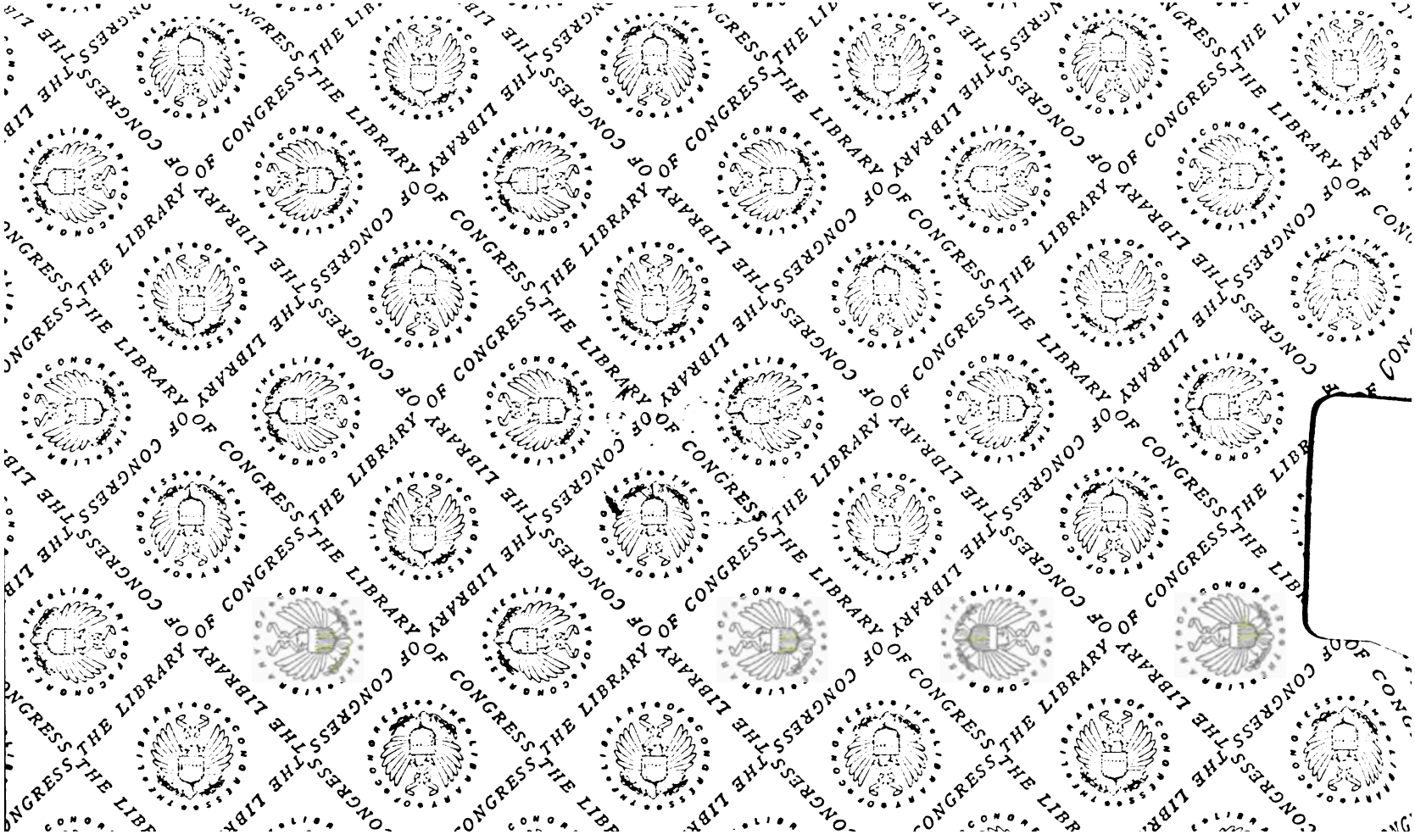
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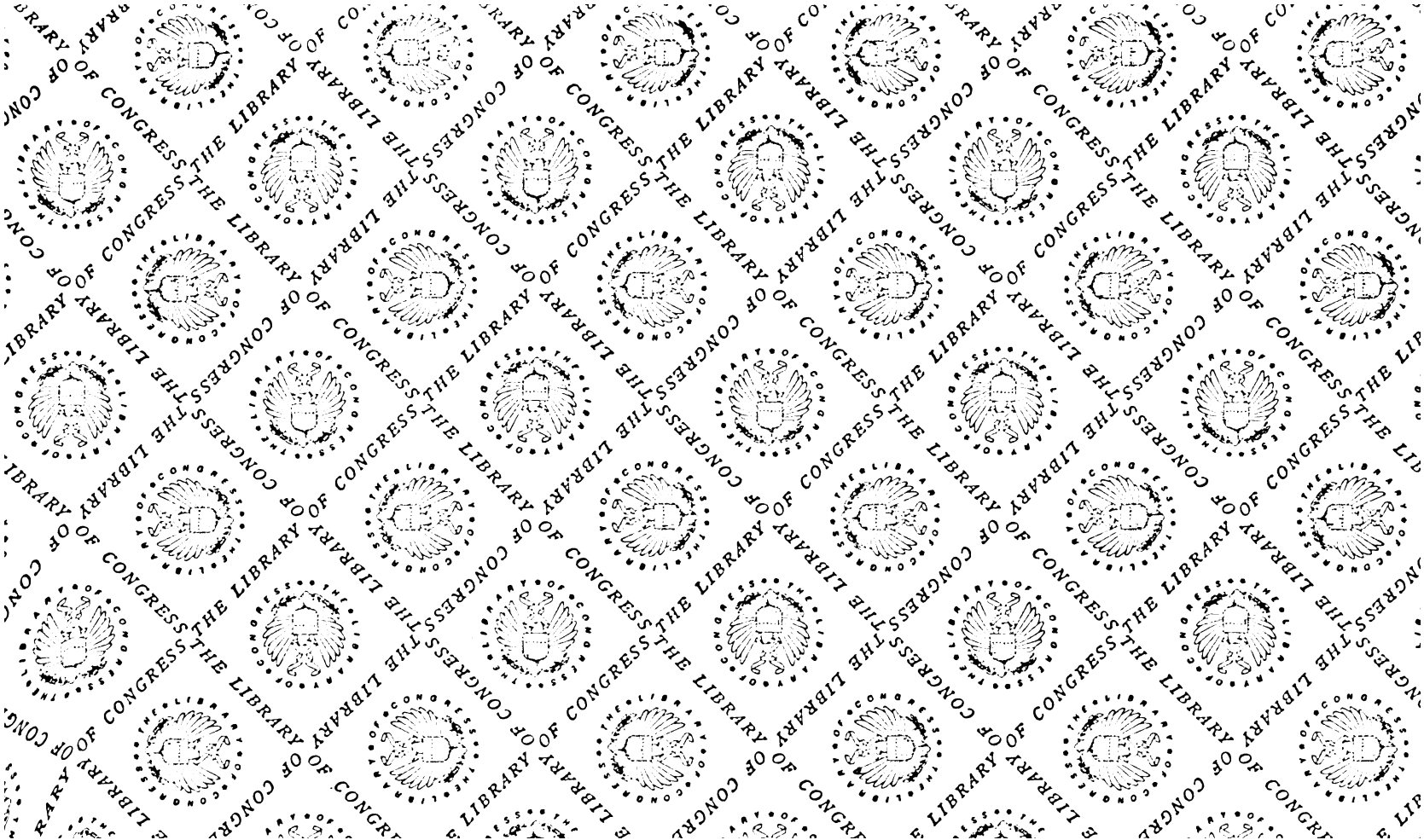
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H. R. 11651—EIGHT HOURS FOR LABORERS ON GOVERNMENT WORK.

HEARINGS

BEFORE THE

COMMITTEE ON LABOR

OF THE

HOUSE OF REPRESENTATIVES.

MAY 3, 16, 18, 22, 24, 28, AND 29, 1906.

MEMBERS OF COMMITTEE ON LABOR,

FIFTY-NINTH CONGRESS.

JOHN J. GARDNER, NEW JERSEY, *Chairman.*

RICHARD BARTHOLDT, MISSOURI.	GEORGE W. NORRIS, NEBRASKA.
SAMUEL W. McCALL, MASSACHUSETTS.	WILLIAM RANDOLPH HEARST, NEW YORK.
EDWARD B. VREELAND, NEW YORK.	JOHN T. HUNT, MISSOURI.
JAMES P. CONNER, IOWA.	HENRY T. RAINEY, ILLINOIS.
HERMAN P. GOEBEL, OHIO.	A. O. STANLEY, KENTUCKY.
KITTREDGE HASKINS, VERMONT.	THOMAS B. DAVIS, WEST VIRGINIA.

JOHN G. SHREVE, *Clerk.*

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1906.

EIGHT HOURS ON GOVERNMENT WORK.

HEARING BEFORE THE COMMITTEE ON LABOR OF THE HOUSE OF REPRESENTATIVES ON THE BILL H. R. 11651, ENTITLED "A BILL LIMITING THE HOURS OF DAILY SERVICE OF LABORERS AND MECHANICS EMPLOYED UPON WORK DONE FOR THE UNITED STATES, OR FOR ANY TERRITORY OR THE DISTRICT OF COLUMBIA, THEREBY SECURING BETTER PRODUCTS, AND FOR OTHER PURPOSES."

Copy of bill under consideration, H. R. 11651, Fifty-ninth Congress, first session.

A BILL Limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or any Territory or the District of Columbia, thereby securing better products, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That each and every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States or any Territory or said District, which may require or involve the employment of laborers or mechanics, shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day; and each and every such contract shall stipulate a penalty for each violation of the provision directed by this act of five dollars for each laborer or mechanic, for each and every calendar day in which he shall labor more than eight hours; and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall, upon observation or investigation report to the proper officer of the United States or any Territory or the District of Columbia, all violations of the provisions in this act directed to be made in each and every such contract, and the amount of the penalties stipulated in any such contract shall be withheld by the officer or person whose duty it shall be to pay the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor, his agents, or employees, or any subcontractor, his agents, or employees. No person, on behalf of the United States or any Territory or the District of Columbia, shall rebate or remit any penalty imposed under any provision or stipulation herein provided for, unless upon a finding which he shall make up and certify that such penalty was imposed by reason of an error in fact.

Nothing in this act shall apply to contracts for transportation by land or water, nor shall the provisions and stipulations in this act provided for affect so much of any contract as is to be performed by way of transportation, or for such materials as may usually be bought in open market, whether made to conform to particular specifications or not. The proper officer on behalf of the United States, any Territory, or the District of Columbia, may waive the provisions and stipulations in this act provided for as to contracts for military or naval works or supplies during time of war or a time when war is imminent. No penalties shall be exacted for violations of such provisions due to extraordinary emergency caused by fire or flood, or due to danger to life or loss to property. Nothing in this act shall be construed to repeal or modify chapter three hundred and fifty-two of the laws of the Fifty-second Congress, approved August first, eighteen hundred and ninety-two, or as an attempt to abridge the pardoning power of the Executive.

COMMITTEE ON LABOR,
HOUSE OF REPRESENTATIVES,
Thursday, May 3, 1906.

The committee met at 11 o'clock a. m., Hon John J. Gardner (chairman) in the chair.

The CHAIRMAN. This hearing was called at the suggestion of the president of the American Federation of Labor, Mr. Gompers, he having expressed a desire to the chairman to meet the committee and to be heard on matters of legislation pending before the committee at this time, and, as I understood him, particularly with reference to the eight-hour bill, and so, Mr. Gompers, if you are ready to proceed, we will hear you.

STATEMENT OF MR. SAMUEL GOMPERS, PRESIDENT OF THE AMERICAN FEDERATION OF LABOR.

Mr. GOMPERS. Mr. Chairman and gentlemen of the committee, Mr. Gardner, the chairman of the committee, stated that I requested that a meeting of the committee might be called for the purpose of hearing the representatives of the interests of labor, or the representatives of labor in matters of interest to the wage-earners of the country, not necessarily for hearings in the generally accepted sense of that term, but rather that we might urge upon the committee, as briefly as we can find words to state what we have in mind to say, the necessity for legislation, the necessity for the enactment of some of the bills which are now before this committee. I take it, of course, that it would not be appropriate to discuss matters or measures or bills that are in the hands of other committees of Congress, but there are a number of them in the hands of this committee, the Committee on Labor, and we are strongly desirous that the Committee on Labor of the House, that the House itself, that Congress shall pass bills which are pending in this Congress and which have dragged a very weary existence through several previous Congresses. Among them I think I should urge the enactment of the eight-hour bill introduced in the House by the chairman of this committee, Mr. Gardner.

The child-labor law, which, although it has now passed the House and is now in the hands of the Committee on Education and Labor, was received by that committee, and, as passed by the House, in such a form that it is practically incomprehensible and contradictory in the very terms. I had the pleasure of appearing before the Senate Committee on Education and Labor when the committee had that bill under consideration, and the Senators in attendance expressed themselves as entirely favorable to the bill. They wanted to have the bill properly formulated to mean something, and to be enforceable, to eliminate the objectionable or contradictory and meaningless terms. I take it therefore that the Senate is in a mood to pass that bill, and I trust that if it is passed in anything like a tangible form, having some meaning, that it may receive the support of the members of the House constituting the Committee on Labor, and thus secure the enactment of such a bill.

Mr. GOEBEL. Is there a copy of that bill here?

Mr. GOMPERS. I do not know that it is here as passed by the House, but my attention was called to it by the contradictory terms in the

bill which was referred to by Senator Clapp in the committee, and there was no escaping the conclusion that the bill certainly needs amendment and change.

The CHAIRMAN. Let me interrupt you here, to say, if it has any bearing, the child-labor bill has never been before this committee, and on its return from the Senate it will not come before this committee. That bill was referred to the Committee on the District of Columbia. The District of Columbia Committee considered it and reported it, and under their management it was passed. It being a District matter, Mr. Cannon referred it to the District Committee.

Mr. GOEBEL. I never saw it, and that is the reason I asked if it was here.

Mr. STANLEY. It is the bill 17562 that Mr. Gompers refers to.

Mr. GOMPERS. While attending the Senate committee, suddenly the discussion arose in regard to the child-labor bill, or rather the investigation into the extent of the labor of women and children, and I gleaned that there was some objection to that bill, to the Senate committee having that bill under consideration for the reason of the indefiniteness of that bill as reported to the committee and passed by the House, for the reason that it did not stipulate the salaries and the parties to receive them; that it was too indefinite, and there would be objection on that score.

The CHAIRMAN. Not to interrupt you, let us get clear our position. The child-labor bill was referred by the Speaker to the District Committee, and that committee retained jurisdiction of it until its passage through the House, and it went to the Senate. About that bill we know nothing in our records here.

As to the bill that did go through the House, this is the history: The President, in his message, recommended an investigation by the National Government, intended to be sociological, of the child-labor question and the woman-labor question. Mr. Gardner, of Massachusetts, introduced a resolution reading as follows:

Resolved, That the Secretary of Commerce and Labor be, and he is hereby, requested to investigate and report on the condition of child labor under 14 years, wherever employed, and to furnish to the House of Representatives a complete statement as to the various State laws regulating child labor and the effectiveness of their enforcement.

Taking all the papers together, this committee substituted a bill for a national investigation of the child-labor question, but that has no relation to the child-labor bill for the District of Columbia, which has passed, and is now in the Senate. The bill which passed this committee for the investigation of the women and child labor questions is still on the Calendar of the House, and has been made a special order.

Mr. GOMPERS. It was because of the previous statement by you, Mr. Chairman, in regard to this matter that I passed this entirely over, and then came to the suggestion of this bill, which passed this committee and is reported to the House.

Mr. GOEBEL. For the investigation?

Mr. GOMPERS. The investigation. I will say that the same bill is, in effect, before the Senate, and I heard such criticism made of it, and the reason that I mention it is that if it may occur to the committee that if the criticism is justified it may be changed, in order not to

encounter that opposition, either when the House bill goes to the Senate when it passes or when the Senate bill may come to the House.

The CHAIRMAN. Let us determine if that criticism is fair. We think it is not. This bill (H. R. 17562) reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed—

There is nobody to receive a salary there. That is the Secretary of Commerce and Labor—

to investigate and report on the industrial, social, moral, educational, and physical conditions of women and child workers in the United States wherever employed, with special reference to their ages, hours of labor, term of employment, health, illiteracy, sanitary and other conditions surrounding their occupation, and the means employed for the protection of their health, person, and morals.

SEC. 2. That to enable the Secretary of Commerce and Labor to make this investigation he is hereby authorized to expend the sum of three hundred thousand dollars, or so much thereof as may be necessary, for per diem in lieu of subsistence of special agents and employees while traveling on duty away from their homes and outside of the District of Columbia, at a rate not to exceed three dollars per day for their transportation and for the employment of experts and temporary assistants, and for the purchase of materials necessary for said report; and for the purposes of this act the Secretary of Commerce and Labor is hereby directed to utilize, in so far as they may be adequate, the forces of the Bureau of Labor and of the Bureau of the Census.

Now, that is an investigation to be made by the Secretary of Commerce and Labor through the Bureaus of Labor and of the Census. He is allowed $300,000 for the per diems of the experts, and it is not possible that there is anything in the criticism that the bill is indefinite in not designating the persons to receive the money, because, as a matter of fact, I suppose it is an open secret that the bill was drawn in the Department as containing every word that they need to carry on the investigation in the most definite and thorough way.

Mr. GOMPERS. I am not making the criticism. I am simply calling attention to the fact that criticism was made, so that you may know what you may have to meet in the matter.

The CHAIRMAN. Yes.

Mr. GOMPERS. We ask that the committee report the Gardner bill, H. R. 11651. Mr. Chairman, this bill has been before five Congresses; hearings extending over periods of five or six months have been held in both this committee and the Senate Committee on Education and Labor. It was reported favorably by the Committee on Labor several times, and passed the House of Representatives twice. It was reported favorably once by the Senate Committee on Education and Labor, after it passed the House, and only by reason of the Senator who took charge of the bill himself signing a minority report against it was it that its defeat was encompassed. We were at the point of a decisive vote in the Senate upon three different occasions, and we had reason to believe that the bill would have been a law if a decisive vote could have been reached. The only time when the Committee on Labor of the House did not report the eight-hour bill favorably was in the last Congress. In fact, the committee made no report at all upon the bill. Instead, the committee adopted a series of resolutions containing several interrogatories and referred these questions to the Secretary of the Department of Commerce and Labor.

The questions themselves were proposed by the opponents of the bill. At the time that they were proposed attention was called to the fact that they were suggested simply for the purpose of procrastination, of dragging the thing along so that no action could be taken by the then Congress. And further attention was called to the fact that the questions were absurd upon their face and unanswerable. The committee, however, saw fit to take the view of the opponents of the eight-hour bill and adopted the resolution with the questions, and referred them to the Department of Commerce and Labor, and we have seen what the Secretary has said. For convenience and to recall the matter to the minds of the gentlemen who are members of this Congress and who were not members of the last Congress, I just want to read the resolutions as adopted by the committee:

RESOLUTION OF THE COMMITTEE.

Be it resolved by the Committee on Labor of the House of Representatives, That the Secretary of Commerce and Labor be, and he is hereby, requested to investigate and report upon the bill, now pending in said House (H. R. 4064), entitled "A bill limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes," his said report to state his conclusions with regard to the following questions:

1. What would be the additional cost to the United States of the various materials and articles which it customarily procures by contract, which would be governed by the limitations set out in the said bill?

2. What damage, if any, would be done to the manufacturing interests affected by the provisions of the bill if enacted?

Mr. DAVENPORT. Would it interrupt you, Mr. Gompers, if I asked you whether the bill there referred to was not an entirely different bill from the bill No. 11651?

Mr. GOMPERS. No. 11651 is the original eight-hour bill, which was introduced by Congressman Gardner, the chairman of this committee, and is the bill for which the American labor movement has stood and which it has advocated. It was changed by the Senate Committee on Education and Labor in the last Congress, and, rather than get nothing, we preferred that; but I think that we have about changed our minds and gone back to the demand of having an effective bill.

Mr. DAVENPORT. But the point is that the report of Secretary Metcalf is directed to an entirely different bill from this bill 11651.

Mr. GOMPERS. As a matter of fact, while the first paragraph of the resolution names the bill, yet the questions have no reference to the bill, but to the essence of the proposition involved and are equally applicable, or inapplicable, to the present bill or to any consideration of the proposition to reduce the hours of labor.

Mr. DAVENPORT. But the solicitor, Mr. Collier, was first asked by him to define the limits of that bill, so that the inquiries might be directed to those matters.

The CHAIRMAN. In what particulars does this differ from that?

Mr. DAVENPORT. Oh, in such ways that as I understand the solicitor to say, it narrowed the operation of this bill so much that when the Commissioner came to inquire as to the probably increase of cost to the Government it was not 95 per cent. In fact, it practically confined it to the shipbuilding and steel-producing interests. I will not interrupt Mr. Gompers any further.

Mr. GOMPERS. Mr. Chairman, the difference in the bill now before this committee and that originally before the committee years ago

and the one amended by former Senator McComas, of Maryland, is very small. They are essentially the same. There is different language employed, or certain language omitted in Senator McComas's bill, which we believe ought to be retained in a bill, but I want to say that the questions propounded by the committee were not changed in any particular and had as much reference to the McComas bill of the last Congress or the Gardner bill of former Congresses as to the Gardner bill of this Congress.

Mr. HUNT. Might I ask if this is an exact copy of the bill which passed the Fifty-sixth Congress?

Mr. GOMPERS. I think so.

Mr. HUNT. The same, practically?

Mr. GOMPERS. Yes, sir; practically the same.

Mr. HUNT. If not exactly the same?

Mr. GOMPERS. If not exactly the same, it is practically the same.

Mr. HUNT. Which passed the House in the Fifty-sixth Congress?

Mr. GOMPERS. Yes, sir. I want to make this clear, that on the questions propounded by the committee to the Secretary of Commerce and Labor it would not have made any difference, if the question was that the Government of the United States was to place all industries of our country under the eight-hour day, or if it only applied to one particular industry. The committee undertook to ask questions of economics, and speculative questions—theoretical questions—and it did not make any difference whether it applied to the then bill, No. 4064, or to the present bill, No. 11651. I want to continue reading the questions of the committee.

Mr. PAYSON. Mr. Chairman, may I ask a question of Mr. Gompers here? As Mr. Gompers knows, I am largely interested in this, and so that we may understand one another as we go along I would like to ask him this: Is it your contention that this bill in substance is the bill of the last Congress?

Mr. GOMPERS. Substantially; yes, sir.

Mr. PAYSON. Very well.

Mr. HUNT. With changes made necessary to secure action at the other end of the Capitol?

Mr. GOMPERS. It is the original Gardner bill.

Mr. PAYSON. In substance the bill of last year?

Mr. GOMPERS. I think it is more ample, inasmuch as it is more clear.

Mr. PAYSON. I am not asking that, but I ask you if it is your contention that it is substantially the same bill as that of the last Congress.

Mr. GOMPERS (reading):

3. Whether manufacturers who have heretofore furnished materials and articles to the Government under contract would continue to contract with the Government if such contracts were within the peremptory eight-hour limitation provided by said bill?

4. What would be the effect of the enactment of the said bill upon the shipbuilding industry?

5. What would be the effect of the enactment of the said bill, if any, upon the export trade of the country?

6. Are the laborers of the country, organized and unorganized, who would be affected by the proposed legislation, willing to have taken away from them the right to labor more than eight hours per day, if they desire to do so?

7. What effect will this proposed legislation have, if any, upon the agricultural interests of the country?

I wonder whether all the members of Congress have read the answers of the Secretary of Commerce and Labor. It is really most interesting reading. These answers are on page 4 of the report of the Secretary. To the first question the Secretary of Commerce and Labor makes this answer:

It is clearly impossible to give a definite answer to this question.

The Secretary proceeds then to give you his reasons, showing that it is impossible to answer that question. To question 2 his answer is:

This inquiry can not be answered definitely for the same reasons as are stated in connection with the first inquiry.

To question 3 he answers:

This question can only be answered by the contractors themselves, and it is doubtful whether a definite reply could be given by them, etc.

Mr. GOEBEL. Mr. Gompers, I know that he starts in with that sort of thing, but you ought to read on there. He goes on there and he says that there will be an increased cost, and so forth. You do not give his answer in full. It is not because of the difficulty to answer.

Mr. GOMPERS. Let us see. He says in his answer to question 3——

Mr. GOEBEL. Take question 1. He says that it is impossible to give a definite answer to this question, and so on.

Mr. GOMPERS. He says:

It is clearly impossible to give a definite answer to this question.

Mr. GOEBEL. Now he gives his reasons why.

Mr. GOMPERS. Certainly; but they are reasons why it is impossible to answer the question. Hence, does it not seem an unwarranted procedure to ask a question that is impossible of definite answer? That is a matter that I desire to bring to the attention of this committee.

Mr. GOEBEL. But would it not probably follow that the question is so serious a one that it is hard to give a definite answer as to the effect that it would have? It is not because the question is irrelevant or improper, but because of the nature and the circumstances that he could not give a definite answer. But if you will read on, he gives the reasons.

Mr. GOMPERS. The reasons why he can not give a definite answer. His reasons do not change the statement that it is incapable of a definite answer. He supports his statement that it is incapable of a definite answer. To question 4 he replies:

This inquiry offers the same difficulties when a reply is sought.

To question 5 his reply is:

This inquiry is likewise not susceptible of definite reply.

To question 6, as to the position of the working people—and this is the only definite answer that he makes or that he says he is capable of making—he replies in this language:

This question has already been answered by the representatives of organized labor who have appeared before the committee from time to time.

As to the seventh question, he says:

The same difficulties are met with in this question as with the preceding questions when a definite reply is attempted.

In other words, the Committee on Labor of the last Congress asked a series of questions which officially were communicated to another Department of the Government, and that Department is compelled to say that the questions are incapable of definite or intelligent or proper answer. And the fact of the matter is that the attention of the members of the committee who voted for that proposition—for those questions—was called to the fact that they could not be answered, and that they were simply submitted by the opposition to the eight-hour bill for the purpose of dragging the thing along through the Fifty-eighth Congress, and in order that the legislation which we sought might be defeated.

Now, there is no additional argument that can be made here before this committee in support of the bill. There is not one additional thought or fact that could be submitted to this committee in opposition to the bill that has not in some form or other been presented at some hearing and therefore is in print in the official records of this committee and of other committees of Congress and of Congress itself. Time and time again it has been my duty, with others—not always a pleasurable duty—to ask the consideration and time of the Committee on Labor of the House to hear what we have to say; and it has not always been a pleasurable duty, either, to be compelled to call attention to the impatience of the working people of our country with the dilatory methods employed either by the one or the other, the negligence, the indifference of some members or parties regarding the interests of labor and the hostility manifested by many and under the tongue of glibness and kindly expression for labor. But when anything tangible was suggested or offered or proposed it was met too often with indifference and hostility.

I am not here, Mr. Chairman and gentlemen, to ask for any hearings upon this bill. We believe that the facts that are obtainable have been obtained either in support or in opposition to the eight-hour bill. The working people of this country want it. They are in earnest about it. And when I say that they want it, I mean not simply as a mere fad or fancy. They want it because it is an absolute necessity to their own well-being and the well-being of our country.

Some men have said that we are indulging in threats, because we have expressed our dissatisfaction with things as they are going with regard to the interests of labor and the affairs in which labor is interested, and we have been held up to scorn and contempt before several committees of Congress because we dared to say that our patience has been tested to the limit. It has been construed that we have threatened members of Congress and Senators with our displeasure, if you please, or threatened them that we would try to supplant them with other men representing the people in Congress, and this is the kind of threats about which so much is said.

For heaven's sake, when has it become a crime or an offense for an American citizen to express his preference for one Congressman or another? I imagine that it is not so grave an offense for the workingmen to exercise their sovereign political power, accorded to them equally with all other citizens, in furtherance of their interests or in furtherance of the principles in which they believe, in the protection of the rights to which they are entitled or think they are entitled. I am sure I am within the limit of truth when I say

that the representative men in the organized labor movement have exercised a healthful and a rightful conservative influence over the working people of our country. If you do not believe it, look to other countries.

Mr. HASKINS. Right here let me ask you a question, whether it would not be better for the laboring organizations of the country to quietly exercise their right of suffrage, as all other people do, rather than to send out letters threatening men who are acting under an oath of office in order to induce them to conform to their particular wishes in the enactment of certain legislation?

Mr. GOMPERS. I think the question is scarcely a fair one, for it leaves the inference that the workingmen have done a thing which they have neither a lawful nor a moral right to do, and I deny that the workingmen have done anything of the sort. What they have done is what every other citizen in the United States is expected to do, and that is to ally themselves with those who are similarly situated, who hold similar views, for the purpose of having those interests and those views enacted into laws by Congress. Pray tell me—I might turn the Yankee—what was this movement for the declaration of the gold standard? What was the movement for the maintenance of the free and unlimited coinage of silver? And a man who stood upon the opposite platform was threatened with dire political defeat. We are interested in the matter of our employment, in the matter of our hours of labor, in the exercise of the rights which every other citizen exercises, and we find that Congress has turned a deaf ear to our complaints, to our memorials for relief, to the petitions which we have presented for redress; and the back of Congress is turned against us by negligence or indifference or hostility, and nothing comes from our efforts. What shall we do, continue to come here year after year and year after year and decade after decade and still go back reporting to the men who select us to come here and present their claims, "Defeat, defeat, defeat; nothing accomplished?"

Mr. HASKINS. I understand that the Attorney-General has recently rendered an opinion that the present eight-hour law applies to all Government work.

Mr. GOMPERS. Have you a copy of that?

Mr. HASKINS. I have not.

Mr. GOMPERS. Nor have I.

Mr. HASKINS. I have seen a copy of it within the last two weeks.

Mr. GOEBEL. No; he said that it applies to the Canal Zone.

Mr. MORRISON. That did not do very much good, though.

Mr. GOEBEL. That is what you have reference to?

Mr. HASKINS. Yes; I suppose so.

Mr. GOMPERS. There are several things in reference to that, and I am glad that is brought up for this reason, because it matters a great deal what suits Government work. The purpose of this bill is to reach the work done by contract and subcontract, affecting those things which can not be bought in the open market. But shall we be compelled to depend upon the varying influences and varying conceptions and varying interpretations? We want something a little more substantial; and as for the eight-hour law in the construction of the Panama Canal, the first great work, the first one great undertaking, or, rather, one of the great undertakings that our Government proposes to build, the eight-hour day so far as it applies to foreign

laborers is not operative. And who is there who is going to complain now? What American workman who may be there and who may be called upon to work in excess of eight hours is going to complain? Who is going to complain? If they complain there it means simply the absolute loss of their situation; and, as I say, the eight-hour law, the first eight-hour resolution of Congress was not only a means for the shortening of the workday, but it was a declaration of an economic principle established by the Government of the United States, and that principle has been destroyed or vitiated—not destroyed, but vitiated to a considerable extent—by the action of Congress.

Mr. GOEBEL. It was suspended.

Mr. GOMPERS. Yes; suspended. That will do just as well as any of them.

Mr. HASKINS. You understand, do you not, that Congress can not enact any law but what it is subject to interpretation and construction by the courts hereafter?

Mr. GOMPERS. I understand that very well, and it has seemed to me that inasmuch as Congress does not mind to take a chance as to the constitutionality of a measure when it affects other interests, I do not see why this continuous harping upon judicial interpretation and constitutionality as to measures that have for their purpose the benefiting of so large a mass of the people as the wage-earners are.

Mr. STANLEY. As I understand it, Mr. Gardner, you prepared this bill with great care. I do not think there is any question but what this bill is clearly within the right of Congress. There is no serious question but what you have a constitutional right to circumscribe the hours of labor on Government work, or to define what Government work is, as has been done in this bill.

The CHAIRMAN. I do not know whether that is seriously disputed by anybody, now. I think very generally the position has been abandoned.

Mr. STANLEY. Of course, what you want to do is to get a bill through, and then what the courts will do with it is another thing.

Mr. GOMPERS. Yes; we will take our chances with the courts. There is considerable discussion and rumor as to when Congress will adjourn. Of course we understand that Congress may adjourn, and any bill that is unadopted or which is not passed in this first session may be adopted or passed in the next session. I do not think that Congress ought to adjourn this first session without passing that bill and having it become a law. I urge it, and I trust that the members of the committee may see the wisdom of so doing.

I said that the report of the arguments in extenso, with testimony to a very great length which was submitted, are all in print. In those committee hearings the last Congress was urged to pass this legislation, and we said that we were perfectly satisfied that the committee might take a vote upon the bill without a word from us on the subject and submit our case upon the record, upon the arguments and facts submitted in former Congresses. We do not want to add anything more. I am sure there is not a new thought, there is not a new fact, that can be submitted by the opposition.

Mr. STANLEY. Are there any new conditions—I mean interests—that you would like to present to the committee?

Mr. GOMPERS. I have not really any desire to do that, now. Of

course if the committee should so decide to undertake hearings or arguments, I presume that we should be compelled to submit. But we shall do so then very reluctantly. We do not want to take up the time of the committee, and we do not want to burden your record. The facts, the theory, and the arguments are all in print.

Mr. HASKINS. There is nothing additional?

Mr. GOMPERS. There is not anything in addition that we care to present other than what is already in print. We might present facts anew, but they would simply support the first contentions. We might make another argument or arguments and clothe them in different language, but in their essence they would be the same. I trust that the committee may report the bill.

Mr. DAVENPORT. In the original Gardner bill which has been introduced at this session, and which you ask the enactment of now, in lines 12 and 13 on page 1, it is provided that no person "shall be required or permitted to work more than eight hours in any one calendar day." In the bill that was before this committee at the last session, the bill as it is in the report made by Secretary Metcalf, are these words, the language used is: "Shall be required or permitted to work more than eight hours in any one calendar day upon such work." Now, we are not novices in this discussion. The insertion of the words "upon such work" was made, of course, after a great deal of discussion before this committee and before the Senate committee. Do you object to the insertion of those words in the Gardner bill?

Mr. GOMPERS. I think that the Gardner bill with those words omitted should be enacted. I think that to make it an effective bill, to make it an effective law, those words should not be retained.

Mr. DAVENPORT. That is, that the words "upon such work" should not be inserted?

Mr. GOMPERS. Be not inserted.

Mr. DAVENPORT. Then, it is your desire to have a bill enacted which will require the contractor to stipulate that no workman working upon any part of the work contemplated shall be required or permitted to work more than eight hours at all in any one calendar day?

Mr. GOMPERS. In his employ.

Mr. DAVENPORT. In his employ.

Mr. GOEBEL. Does not that refer to the contract?

Mr. DAVENPORT. It does not; that is the precise point.

Mr. GOEBEL. Can it mean anything else but the contract?

Mr. DAVENPORT. It is in the contract, but the question is whether the man stipulates that no employee of his shall work in any one calendar day more than eight hours.

Mr. GOEBEL. On that contract.

Mr. STANLEY. That is, four hours might be upon the Government work and six hours upon some other work.

Mr. GOEBEL. Under the contract.

Mr. STANLEY. The only way it could affect it would be that they would work him eight hours on that contract and two hours on something else.

Mr. GOEBEL. It would not apply.

The CHAIRMAN. That language is lifted bodily from the act of 1892, which had been in effect for a number of years, but we propose to pass this, under which no difficulty of the kind suggested has

arisen. We have got this law to-day on the statute books, with this exception. The present law limits its operation by its own terms to the public works of the United States.

Mr. GOEBEL. Undertaken by the Government?

The CHAIRMAN. No; to the public works of the United States, and it applies there. So that the whole difference between this bill and the existing law hinges upon the construction of "public works," which, in its turn, hinges upon the ownership of the land on which the work is being done. That, I think, has been held. But this is the act under which our post-offices and custom-houses and every public work of the United States is being built:

The service and employment of all laborers and mechanics who are now or may hereafter be in the employment of the Government of the United States or the District of Columbia by any contractor or subcontractor upon any of the public works of the United States, or said District, is hereby limited and restricted to eight hours in any one calendar day, and it shall be unlawful for any officer of the United States Government or of the District of Columbia or any contractor of such laborers and mechanics to require or permit any such laborer or mechanic to work more than eight hours in any one calendar day.

I simply cite it to show that when that bill was formulated here we were not adopting anything new, that we were lifting bodily the law under which every public building in the United States was being erected.

Mr. GOMPERS. I would say that I would like, in turn, to ask Mr. Davenport a question: Whether the adoption of the words "upon such work" in this bill would make any difference in his attitude to the bill?

Mr. DAVENPORT. Well, I do not think it would.

Mr. GOMPERS. I do not think it is necessary, then, that I should go any further.

Mr. DAVENPORT. I wanted to direct attention to the fact that it makes a very material difference as to the scope of this bill, if a man contracts and gives a bond not to permit a person to work more than eight hours a day, and it is not limited in its scope to the work that he is doing upon that particular contract. It makes some difference.

Mr. GOEBEL. But how could he give the bond? A bond has reference to the contract.

Mr. DAVENPORT. Yes; and the attempt, as we understand it, on the part of the proponents of this legislation, is to force every employer of labor who does work for the Government within the provisions of the bill, to prevent him, I might say, from having his men work more than eight hours a day for him.

Mr. PAYSON. Upon any other work than this.

Mr. DAVENPORT. Now, I would ask Mr. Gompers if there is any objection on his part to the insertion of the words "upon such work?"

Mr. GOMPERS. I do not know that the question is really material information to the gentleman who has asked it. He is not going to change his attitude toward this bill one iota, and I do not see any necessity for my answering his question at all. Of course if a member of the committee should ask that question, that is a different thing.

Mr. DAVENPORT. I would ask him if these words inserted in the bill No. 4064, "nothing in this act shall apply to contracts for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not," would meet with his

approval—whether there is any objection to the insertion of those words?

Mr. GOMPERS. I advocate the bill as it is.

The CHAIRMAN. The following phrase is new——

Mr. DAVENPORT (reading). "Materials or articles?"

Mr. GOEBEL. Is it not in substance the same?

Mr. DAVENPORT. No. Senator McComas said that in his opinion it would limit its operation to only 5 per cent of the work that was done for the Government. Now, that insertion was made after prolonged discussion before the Senate Committee on Education and Labor and before this committee. The difference between the two bills in that respect——

Mr. STANLEY. What are the lines?

Mr. DAVENPORT. Line 21 is the old Gardner bill:

Nothing in this act shall apply to contracts for transportation by land or water, nor shall the provisions and stipulations in this act provided for affect so much of any contract as is to be performed by way of transportation or for such materials as may usually be bought in open market, whether made to conform to particular specifications or not.

Mr. STANLEY. That is in this bill?

Mr. DAVENPORT. Yes, sir. The way it read in bill No. 4064 was:

Nothing in this act shall apply to contracts for transportation by land or water, or for the transmission of intelligence, or for such materials or articles as may usually be bought in open market, whether made to conform to particular specifications or not, or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not.

Now, what I want to ask Mr. Gompers is whether he objects to the insertion of that clause "and for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not?"

Mr. GOMPERS. I do not think it is possible in this fashion to say whether I should be in favor of or opposed to any particular proposition to be inserted or to be omitted in the bill; but I say in a general way, and as strongly as I can say it, that we want the Gardner bill. I imagine that there will be no objection to the insertion of the words "for the transmission of intelligence," if that is essential; but if my conception of the bill is right, I think that is covered in the very terms of the Gardner bill. That is, the language is unnecessary. We exempt the railroads and transportation companies, the common carriers, from the operations of the bill. You know that the representatives of the railroad workmen of the United States are asking Congress for a law limiting their hours of daily labor.

Mr. PAYSON. To how much?

Mr. GOMPERS. I think to eight.

Mr. PAYSON. To sixteen hours. Sixteen hours, as was stated by Mr. Fuller in a discussion which I had with him day before yesterday before the House Committee on Interstate and Foreign Commerce.

Mr. GOMPERS. And I take it that you are opposed to that?

Mr. PAYSON. Yes; but not on that ground.

Mr. GOMPERS. Undoubtedly you are opposed to it.

Mr. PAYSON. Let us be frank about it.

Mr. GOMPERS. Yes; of course you are opposed to anything of that sort. Mr. Davenport called attention to the statement made by former Senator McComas that the provisions of his bill would cover

about 5 per cent of the Government's work, and yet Mr. Davenport did not cease his antagonism to it. It does not make a particle of difference what proposition labor may make, what suggestion it may make to secure some Government relief, it will meet with the same opposition. A few weeks ago we saw the news flashed across the continent that a railroad telegraph operator had fallen asleep at his post and two trains smashed into each other, killing the human freight. It was not stated, though, that this man had been constantly at the keyboard for more than two days.

Mr. PAYSON. Are you referring to the Colorado disaster?

Mr. GOMPERS. It was just about two months ago; less than two months ago.

Mr. PAYSON. Yes.

Mr. GOMPERS. The operator did not know what had occurred. He was aroused and told that this calamity had occurred, and he said, "Yes; I was asleep."

Mr. STANLEY. Do you not attribute the failure of this Government to exercise any sort of control over the hours of employment to that very condition? Do you not believe that there can be attributed the great mortality among both passengers and employees on the railroads of the United States over that on other railroads of the world giving similar service to that?

Mr. GOMPERS. I have not the slightest doubt.

Mr. STANLEY. I believe that there are about 500 per cent more deaths on railroads in the United States than in almost any other country, or about as many as in all the rest of the world put together.

Mr. GOMPERS. Yes; and I say in spite of the fact that in recent years there has been a little conformity of the railroad companies to the uniform coupler law, which law was opposed. I do not know that Mr. Davenport opposed it or that Judge Payson opposed it.

Mr. PAYSON. In a way I did.

Mr. GOMPERS. He opposed it, of course, or if he did not oppose it his prototypes would oppose it.

Mr. MORRISON. The same interests.

Mr. GOMPERS. The same interests. The human slaughter would go on.

Mr. PAYSON. No; that does not follow at all.

Mr. GOMPERS. No; of course it does not follow from your viewpoint. Gentlemen, there are new conditions of industry in our time, and the working people, so far as they can, in their organizations undertake to improve or to protect their economic condition. There are certain things over which they can exercise no power of enforcement other than through the state—the state, as represented by the Congress and the President, in their enacting power. We can not change the conditions of industry. They must have the fullest opportunity of growth and development. There is no disposition on the part of the working people of our country to interfere with that, but rather their disposition is to encourage the fullest industrial development. In the matters which can be only determined, in which relief can be only obtained through legislation, we come to the Congress of the United States.

Mr. RAINEY. I understand that upon many of these questions several labor organizations are divided. Upon this question of eight

hours for labor, is there any division among labor organizations in this country?

Mr. GOMPERS. Not any.

Mr. RAINEY. Do you know what the attitude of European governments has been to this question of eight hours for labor?

Mr. GOMPERS. Yes, sir. In England, in France, in Germany, in Russia the tendency is in that direction. And no matter what form of government obtains in any country, the demand of the workers of modern times is universal for the eight-hour workday. There is not any difference of opinion among any of the working people the world over upon that subject. The idea of men saying that the workmen want their right of working longer, that they do not want that right taken away from them, is preposterous.

Mr. HASKINS. Do you mean to include in that statement unorganized labor as well?

Mr. GOMPERS. Yes; unorganized labor. You may perhaps have noticed that in any statement I have made I have tried to express myself as voicing the sentiment of labor among the working people. It is true that some men have said and may say again that there are only 3,000,000 organized workmen in the United States. There are some who erroneously, then, make this comparison and say there are 80,000,000 people in the United States, and by inference we represent a number which is as three is to eighty; but they fail to have any conception of the fact that these 3,000,000 have wives and children also, and, as the old, trite saying is, "Where God gives children he also gives bread," but as a rule those who have the most bread have the least children, and those who have the least bread have the most children.

Mr. PAYSON. The men having the children would not trade them off for bread.

Mr. GOMPERS. No, sir; we are not engaged in that traffic. That may be a better policy to pursue for those who care less for human life than they do for money.

Mr. PAYSON. I only made that remark facetiously. I know that you have children yourself——

Mr. GOMPERS. Yes; I have five grandchildren—bless their hearts.

Mr. PAYSON. I would be glad to trade some bread for children myself.

Mr. HASKINS. Does this apply to the laborers upon farms, those who are employed in that class of work? Is that the general sentiment of the laborers on the farms, that they demand an eight-hour day?

Mr. GOMPERS. I only say this, that wherever they have had an opportunity of expressing themselves that has been the desire, and, secondly, there is this fact, that under the modern conditions of agriculture they do not work so many hours as they formerly did.

Mr. HASKINS. That is so. I used to work on a farm myself ten to fifteen hours a day.

Mr. STANLEY. You are making no fight here to have any legislation looking to the regulation of the number of hours that farm laborers should work? The conditions are different among the manufacturing interests from what they are among farm laborers. I represent an agricultural district, and there are times when a farmer

is bound to work more than eight hours, and then there are rainy days when he can not work at all.

Mr. GOMPERS. This bill has no application at all to farm hands.

Mr. HASKINS. You are speaking of the general sentiment of the wage-earners as applied to all classes?

Mr. GOMPERS. Yes.

Mr. HASKINS. That is why I made the inquiry.

Mr. GOMPERS. No one expects that conditions are going to remain as they are and that the workingmen are simply going to submit to the tender consideration of the employers, of the great companies and corporations and trusts, which control industry to such an enormous extent. What are we going to do? We organize, and they tell us, "Well, organize; but if you manifest any desire to protect yourselves in the ordinary ways that other men protect themselves in, then we will deal with you;" and we are dealt with exceptionally as a class, not under the regular, ordinary judicial proceedings as laid down in the laws of our land and our States. We come to Congress, and every effort made is opposed. I suppose that there will not be very much opposition to a child-labor bill for the District of Columbia. It is so easy, you know, to enact legislation for the protection of the children of some other land. It is so easy to adopt a proposition that will affect some one else.

I have made the statement before this committee several times and before other committees of Congress and of our State legislatures—and it is more justified to-day than ever at any time when it was uttered—that it does not make a particle of difference whatever labor may do on any field of action for the purpose of protecting its interests, it is going to meet with the bitter antagonism, not only of the greedy and the greediest of the employers, but by their retained attorneys they will antagonize it, the latter of whom are very much more zealous in their opposition than are the men who retain them. It has been my duty to appear before the committees of Congress for thirty years, and before committees of the legislatures of the various States, of a number of States, and I never yet have seen a bill introduced that sought and had for its purpose the slightest relief for the working people—men, women, or children—but what it met the bitter, unrelenting opposition of the employers' counsel. This was true of the child-labor legislation of New England, of the Middle States, of the West, of the South, and is still true of several States in the South, and it is true in trying to secure some amendments or changes that time has shown to be essential in order to protect the children from the modern conditions of industry.

Mr. GOEBEL. It is hoped now, Mr. Gompers, that when Congress passes the bill that the committee recommended for an investigation that it might throw some light on the legislation, so that relief might be had there.

Mr. GOMPERS. I believe that these investigations ought to be undertaken.

Mr. GOEBEL. We think so.

Mr. GOMPERS. Yes; and I am in entire accord with the thought and with the project. But it is not the first investigation undertaken by Congress without any tangible result at the hands of Congress. Remember, for instance, the investigation undertaken by the committee of Congress headed by the Hon. Abram S. Hewitt, of

New York. Remember the investigation undertaken by the Senate Committee on Education and Labor. You will remember, also, the Industrial Commission; and a bill which the Industrial Commission proposed for the elimination of the evils resulting from convict labor has been shelved ever since. Not one bill has passed Congress as the result of either of these investigations, and yet I say I am in favor of them. These investigations furnish the facts upon which legislation can be based.

Mr. HUNT. This committee has favorably reported a bill such as was advised by the Industrial Commission. The committee here within the last month has reported the identical bill which passed the House at the same time that your present eight-hour bill passed, in the Fifty-sixth Congress.

Mr. GOMPERS. Yes. I did not say—at least, if I did so, I did not mean to say—that a bill did not pass the House. I desired to say that a bill was not enacted.

Mr. HUNT. Into a law?

Mr. GOMPERS. Yes.

Mr. HUNT. Oh, yes; that is true.

Mr. GOMPERS. I remember that the Committee on Labor reported the bill favorably—the bill drafted by the Industrial Commission.

The CHAIRMAN. The convict-labor bill. It was recommended by the Commission.

Mr. GOMPERS. That was it. It was recommended by the Commission and drafted by the chairman of this committee, to be more accurate. It was reported favorably, passed by the House, and died in the Senate. Of course it does not matter very materially so far as progress is concerned whether a bill passes one House and dies with the Congress. There is not one bill which has been enacted as the result of these investigations. But I am in hopes. I have never given up hope, Brother Hunt.

Mr. HUNT. I am glad to hear it.

Mr. GOMPERS. When I give up hope I want to lie down and die.

Mr. HUNT. Hope long deferred maketh the heart grow sick.

Mr. GOMPERS. It may be made very tired, but never sick. The workingmen of the United States are not less intelligent than the workmen of other countries. They know their rights, and they propose to exercise them in spite of the fact that an effort has been made to browbeat them, or to browbeat them through their representatives, their chosen representatives, when we have said that we ask this relief, and that we are going to appeal to the sympathy and the support not only of our fellow-workingmen, but our fellow-citizens in every other walk of life, to support us in our contention. How much longer is some man, or, rather, are a number of men, to come here year after year and ask for this legislation? We are workmen, and we are citizens, and we ask you for relief, for this necessary legislation. These bills are not hastily drawn. I remember the time when my friend Judge Payson came here before this committee and asked whether there was any man in the room or in the country who had the temerity to stand up and say that he advocated and defended that bill. I did have the temerity to say that I defended and advocated it.

Mr. PAYSON. Yes; you did, but you would not do it now?

Mr. GOMPERS. What?

Mr. PAYSON. I will tell you the reason, in a minute, why you would not.

Mr. GOMPERS. Do what?

Mr. PAYSON. Defend the bill now that you defended then?

Mr. GOMPERS. Well, I think that I would defend it. At any rate, I defend the eight-hour proposition. That is what I defend. It does not make a particle of difference to me as to the language employed in the eight-hour law for labor and for the men employed by the Government or by the contractors and subcontractors who do work for the Government. It is not a question as to the terminology of the particular bill. It is the essence. And we do not ask for the eight-hour law to apply to all labor. We come here and say that we will take care of ourselves in our private employment; we will do the best we can. And if we can not do better, well, we will do worse, that is all. We are going to try to do better though, and I think we are going to do better. So far as Government work is concerned, whether done direct or whether done through a contractor or subcontractor, that work as provided by the bill and within the limits of the bill we want performed on the eight-hour plan. We believe that Uncle Sam, who is so generous to all else, might be a fair employer, and rather a generous employer.

Mr. STANLEY. I want to ask you one question. I would like to hear you on it for my own information. What will be the moral effect upon other laborers of extending to its ultimate extent this eight-hour principle in Government work?

Mr. GOMPERS. It will have the influence to make the eight-hour workday applicable through the industries of America. In Australia the workmen have had the eight-hour day since 1856. Only a short time ago they celebrated the half centennial, the semicentennial, of the universal eight-hour day obtaining there. There is not any establishment, any industrial establishment, the world over that has worked under the eight-hour plan for five years that would want to go back to a longer workday. And if necessary, so far as administration, so far as rents, so far as land, so far as operation expenses are concerned, really there is no reason why plants could not be operated under three shifts of eight hours each, if essential.

I have had some correspondence for a number of years with the heads of Departments in regard to the eight-hour workday and violations of the law, and their attention has been called to the fact that there has been no serious effort made for the enforcement of the law. Its violations have been continuous. Some men say that this kind of work, specifying the nature of the work, is emergency work, and extraordinary emergency. And the contractors employing the men, or the Government direct, under its own officers, are employing these men for nine, ten, and twelve, and more hours a day. It has never occurred to these officers in charge of men that if this is a continuous emergency it can not be an extraordinary emergency, or even if it is there is no reason why two shifts of men can not be employed, each of them at eight hours, and the emergency overcome in that way, rather than by compelling men to work eleven or twelve or more hours a day. They make no such attempt to seriously enforce the law. That was one of the reasons why we presented our bill of grievances to the President and to the President pro tempore of the Senate and to Speaker Cannon.

Mr. HASKINS. Coming back to the bill, in the excepting clause there are two words that seem to have been omitted by Mr. Gardner, and I assume unintentionally, which words are inserted in H. R. 4064, and in every other bill which is in this portfolio in relation to eight hours, and those words are "or articles." For instance, all the other bills read like this:

Nothing in this act shall apply to contracts for transportation by land or water, or for the transmission of intelligence, or for such materials or articles as may usually be bought in open market.

All the other bills have the words "such materials or articles as may usually be bought in the open market."

The CHAIRMAN. That was put in over in the Senate.

Mr. HASKINS. I think it ought to be put in here, unless there is good reason for not putting it in. I was going to ask Mr. Gompers if he had any objection to inserting the words "or articles" after the word "materials."

Mr. GOMPERS. I think it would be very much better to omit it. The word "articles" admits of such wide construction.

Mr. HASKINS. Take, for instance, the Fairbanks Scale Works in my State; they have contracts for the building of scales for the Post-Office Department, usually small scales, and larger scales, and of course those scales can not be bought in the open market, and I think the words "or articles" should be embraced in this bill.

The CHAIRMAN. It was to meet just such cases that the words "or articles" were originally inserted in the Senate. The word "materials" was put in the original bill here.

Mr. HASKINS. Materials are raw materials.

The CHAIRMAN. The reason for not inserting the word "articles" here, and inserting it over there, was that we found in the old hearings that "materials" was meant to cover such things as paper and departmental supplies.

Mr. HASKINS. Those scales are departmental supplies.

Mr. GOMPERS. Then it would seem that it would be unnecessary to particularize and say "articles."

Mr. HASKINS. But I am a little afraid that the word "materials" as it is used here would not include such things.

Mr. GOMPERS. I am free to say that under the provisions of the law I do not think these scales would form a part of such products as would come under the operations of the bill.

Mr. HASKINS. You do not think that scales would come under the operations of the bill?

Mr. GOMPERS. I think not. I am not quite sure. I am not sure of my ground about it.

Mr. HASKINS. If it should, it would break up their entire works entirely.

STATEMENT OF HON. L. E. PAYSON.

Mr. PAYSON. Mr. Chairman, I see that the hour is late; but may I have four or five minutes to make a statement to clear away some of the brush that I think surrounds these matters? I think this ought to be done at this time.

I do not propose at this time to enter into any discussion of this bill. I only want to refer first to some of the suggestions made by

Mr. Gompers as to the personal relation which some of us have occupied toward this legislation for a number of years past, and first as to myself, for I assume that I not only come within the category, but perhaps am the chief offender as one of those counsel who have appeared before the committee. I do not remember of any lawyer before this committee who has ever come within that rule except myself, within the judgment of Mr. Gompers.

The explanation of my earnestness in this matter may be best understood when I say that in this official document before you, coming from an impartial source—the Secretary of Commerce and Labor—is the announcement that 95 per cent of the contracting of the Government would not come under the operations of this bill. Five per cent of it would. And of that 5 per cent I represent no inconsiderable part. And when Mr. Gompers is pleased to say that there is a persistency almost amounting to mendacity in the opposition to this legislation year in and year out, it is because of the relative magnitude of the interests confided to my hands.

As I look over the membership of this committee, Mr. Chairman, I may say, for myself, that I have been engaged as counsel for some corporations interested in this legislation ever since it began in Congress. I have appeared in this committee room for at least the last ten years every sesson of Congress, with more or less regularity, when these things were pending; and, as I look along the membership of this committee, there are only two faces that seem familiar to me as to the general course of this legislation—yourself and the gentleman from Missouri, Mr. Bartholdt. As to the rest of the members, their faces are new; and I undertake to say without fear of contradiction, but without arguing it, that there is not a member of this committee, except you two, who knows 5 per cent of this situation. It is new to you, and you can not be expected to dig it out of the discussions which have been conducted in this room, certainly with great vigor, whether with great intelligence or not, on both sides. You can not be expected to do that. This gentleman [addressing Mr. Stanley] made an inquiry which I want to answer. Will you give me your name?

Mr. STANLEY. Stanley.

Mr. PAYSON. Mr. Stanley; yes. In answer to an inquiry or, possibly, a suggestion that you made as to whether there was any constitutional question that stood in the way of the reporting of this bill, I want to say that that question has never been in my mind since the commencement, because I felt myself that I had no doubt whatever of the constitutional power on the part of Congress to enact this legislation if it chose to do so. That has never troubled me, and the chairman of this committee will bear me out in saying that.

Mr. GOMPERS. I will also, with pleasure.

Mr. PAYSON. Yes; and you yourself will. When my colleagues—and when I say that I mean those in opposition to this pending legislation—raised and debated this question I was frank enough to say to the committee, and somewhat to their disgust, that their contentions were wrong. They were men of ability, and their judgment was perhaps weightier than mine. As distinguished a lawyer as ex-Secretary Herbert of the Navy entertained the view that the bill was absolutely unconstitutional, and there would be no trouble

in defeating it if it was ever attempted to be enforced; and Judge McCammon, at one time Assistant Attorney-General for the Interior Department, representing the Bethlehem Steel Company and the Carnegie company, and I think the Union Iron Works, entertained the same view.

Mr. DALZELL. Mr. Herbert represented the Union Iron Works.

Mr. PAYSON. At any rate, at that time Judge McCammon and his partner, Mr. Hayden, represented the Bethlehem Steel Company and the Carnegie company. They had absolutely no doubt of the unconstitutionality of this legislation. Judge McCammon had no more doubt of its unconstitutionality than he had that he was speaking of it, and I shall show later on with reference to this bill and my objections to it that my objections to it are not based on these grounds at all.

Having made myself understood on that, that is out of the way. Now, what do I represent here as an essential portion of the 5 per cent that was affected by the operations of the bill last year? I represent the Newport News Dry Dock and Ship Building Company. Its works are located at Newport News, Va. We have, I think, without question the finest shipyard in the American nation, and I am told by men that know about these things abroad that it is the finest shipyard in the whole world. There are in the employ of that company seven thousand eight hundred and some odd employees, not counting the clerical force—7,800 men who are engaged in manual occupations in the works, in the shipbuilding enterprise, and we do nothing else whatever except shipbuilding work and work that is kindred to it.

It has happened in the last few years, perhaps eight or ten, that a large majority, more than half, of the Government work that has gone out has come to our yard. Our people were the pioneers in enterprise, in low bidding upon Government work, and I have known instances where our people, in the early part of our competition in the shipbuilding, bid so low that it seemed they were certain to lose, rather than make anything. When the *Kentucky* and the *Kearsarge* were bid for, their bids were so low that upon the calculations which were made it seemed that our people stood to lose $100,000 on each of those great ships at the then cost of labor and material. But the material market went down, and there was a little to the good on the construction of those two ships when it was all done. And it is in the reports of the Secretary of the Navy that the cheapness with which the American Navy is furnished its battle ships to-day, and has been for the last ten years, has been owing to the competitive enterprise of the Newport News Shipbuilding and Dry Dock Company.

As to those 7,800 men, I will say to you to-day, instead of saying that there is this feeling of unrest that is pictured here, that they are working there to-day without any manifestation of dissent as to hours of labor or price paid for their employment, day by day. There has never been during the last ten years but one exhibition of dissent, and I do not care at this time to speak of how that happened to occur, and it is not necessary that I should. But there is no dissent as to the hours of labor or as to the prices which are paid there for it.

Mr. STANLEY. What are your hours?

Mr. PAYSON. Nine hours, and with overtime pay of 50 per cent more; time and a half for overtime, and double time for Sundays, for it often happens, I may say in passing, that overtime work is necessitated, and sometimes work on Sunday. Sunday work is paid double time, and overtime work time and a half, 50 per cent additional. And instead of the workingmen not desiring to work overtime—I only speak for the yard now in which I am interested and from personal representations made by the men themselves, as well as the officials—the men are anxious to work overtime if they can get the opportunity.

Now, the people whom I represent, Mr. Chairman and gentlemen, believe, they know, that if this bill becomes a law it means the going out of Government business with them. And I go a step further and say that if the committee desire to investigate that question and will send for persons and papers, or invite people to come here, they will get opinions from the president, the general manager, the assistant superintendent, and any executive officer that they ask, that if this bill had become a law four years ago the Newport News Shipbuilding and Dry Dock Company would have been in the hands of a receiver to-day. It is pretty nearly the only shipyard in this country that is paying any dividends upon any of its stock upon the work that it does. It is in active competition for everything that the Government puts out. It is in active competition with other shipyards of the country in merchant-marine work, which constitutes now about three-fourths of its employment, and, of course, it goes without saying it would be perfectly idle to undertake to talk here to sensible men that an eight-hour rule as to 25 or 30 per cent could be adopted, and a nine-hour or a nine-and-a-half rule in the same yard as to two-thirds or more of the same work. That is a practical business impossibility, and it is not in discussion.

We are opposed to the passage of this bill for the reasons I shall be glad to give you later on, in order to show to you, Mr. Chairman and gentlemen, why it is whether the degree of vigor that I have been manifesting hertofore is small or not. I am in the employ of that company, and I believe religiously the propositions that they lay down and ask me to champion here; I believe in them as religiously as I do in the principles of the Republican party of which I have been a member since 1861, and believing them, I have no hesitancy in championing them, because whatever they ask me has been upon business reasons and business principles.

I said that we would clear away a little of the underbrush about this business. Mr. Gompers is pleased to say that organized labor in this country is demanding an eight-hour day, and in answer to the gentlemen of the committee he said it was the same way in the railway service.

Now, let me correct him. He ought to know about that. Besides being counsel for the Newport News Shipbuilding Company, I have the honor—I will call it an honor, for I believe that it is one—of being counsel for the Union Pacific Railroad Company, and the Southern Pacific system. We have 15,000 to 16,000 miles of railroad operated under the interstate-commerce law. That includes trackage over which interstate commerce is run. Whenever legislation inimical to railroad interests is presented I do not hesitate to appear before committees—never individually to a member, but before a commit-

tee—to say why I do not think that this legislation should be enacted, and there are now pending before Congress four bills for regulating the hours of labor for railroad employees upon interstate-commerce roads. On last Friday, a week ago Friday, and on Tuesday I had the pleasure of appearing before the Committee on Interstate and Foreign Commerce of the House of Representatives, Colonel Hepburn's committee, to oppose the legislation which was there presented.

I need not go now into the character of those bills, nor the character of the argument which was addressed against them, but it was stated by Mr. Fuller, whose authority to speak in that regard is complete—I do not know whether it is known to members of the committee, but Mr. Gompers will bear me out that he is the accredited representative of railway trainmen, as much so as Mr. Gompers is the representative of the Federation of Labor—withdrew these bills. For reasons, he withdrew the bills then pending, stating that they were supported by himself and his associates and some other people outside, and that a new bill would be presented. On last Tuesday morning that bill was presented, presented and introduced in the House by Mr. Esch. I can not give you its number, but it was introduced last Monday and came before the committee on Tuesday, prepared by Mr. Fuller and Mr. Moseley, of the Interstate Commerce Commission, and I know what I am talking about, because I saw it in typewriting before it was put in print, was presented and argued for by Mr. Fuller and others representing that body of laborers, and the hours fixed in that bill which they ask Congress to pass are sixteen hours maximum with an eight-hour rest intervening, and it is made a penal offense in case a violation of that provision shall be either required or permitted on the part of the carrier.

Mr. GOMPERS. The provision of the bill is that no more than sixteen hours of labor shall be required without eight hours' rest.

Mr. PAYSON. Required or permitted.

Mr. GOMPERS. From any railroad employee.

Mr. PAYSON. Train men.

Mr. GOMPERS. Train men, operating a train.

Mr. PAYSON. Yes; engaged in interstate commerce.

Mr. GOMPERS. And to that bill you also offered objection.

Mr. PAYSON. I did. Not to the hours, however, for I will say to you that that is precisely the rule that has been enforced by the Union Pacific and the Southern Pacific Railroad companies for years, and by agreements between the company and the train men themselves.

Mr. GOMPERS. But there are other railroads.

Mr. PAYSON. Of course this is foreign to what is before the committee. Fourteen hours is the shortest time on any railroad in this country, and eighteen hours is the highest, and sixteen hours was adopted by Mr. Moseley upon my suggestion, that if that was adopted, unless something else was in that we did not deem right they would not oppose the bill. And I am not called upon here to go into a discussion as to why I oppose the bill. There were other propositions that we opposed, but the hours of labor were satisfactory to us. And so, instead of the fact being as Mr. Gompers stated, of course, without knowledge of the facts—but he ought not to state such things unless he knows the facts—that the railroad men of

this country are clamoring for the eight-hour day, it is just the opposite, and there is not a shadow of truth in that statement. I know what these men agree to and what they do when they get to conference. And when I was talking before the committee the other day I said there were the Pennsylvania and the Baltimore and Ohio and the Chesapeake and Ohio railroads, and the Chicago, Burlington and Quincy——

Mr. GOMPERS. Would it be an interruption if I asked you a question?

Mr. PAYSON. Oh, nothing interrupts me. You know that from ten years' experience here. Nothing ever interrupts me, unless it is an inability to tell what I think, and that does not happen often.

Mr. GOMPERS. You do not mean that the inference should be drawn from the consent of the railway employees to a bill of the character you mentioned, from their consent to the enactment of a law that prohibits the employment of a railroad employee for more than sixteen hours a day, that it is their desire to work sixteen hours every day?

Mr. PAYSON. Oh, no; and it is not expected that they will work sixteen hours every day. But I am taking up time now with matters foreign to the subject before the committee. Everybody knows that the average schedule of railroad train men is less than that. But it often happens that a train is laid up, for instance, because of interfering with the time of an express train, and it has to lie there until the express comes along; or there is a hot box, and for any of these reasons, or others, there will be delays and detentions that will keep a train sometimes on the road twenty-four hours.

Mr. GOMPERS. And it is for that reason that railroad employees are exempted from the provisions of this bill.

Mr. PAYSON. No; I will come to the reason why they are exempted from the provisions of this bill. Now, that brings me to another thing.

Mr. Gompers somewhat triumphantly, and in a way somewhat derogatory to me, has spoken of my work in opposing this legislation. That is all right. He works for his money and I work for mine. He has a little more humanity under his than I have under mine, perhaps, but we are personally good friends. Then he spoke also of my saying when the original labor bill was before this committee that I would be glad to see somebody who would stand up and champion that bill. I did say that. I said it in this room at a meeting of the Committee on Labor, and I said it from about the position occupied by my venerable friend here to the left. I said that its provisions were so absurd, its propositions were so outrageous, and there was so little that could be said in favor of the fundamental proposition of this bill that I did have a desire to see some man who would stand up before an intelligent committee and defend that bill. I did not believe the man could be found. But I was disappointed; my friend Mr. Gompers did stand up and defend it. But he would not do it now, and I will tell you why.

There was no provision in the original bill that applied to transportation—none whatever. It was just a clean-cut eight-hour bill. That was all there was of it at that time, Mr. Chairman, and you will remember the argument that I made here, I hope, because at that time the thing was new. The question was as to furnishing stone for a

new public building that was to be built in San Francisco, and it happened just at that time that the Southern Pacific Railroad Company were asking for bids for the transportation of granite from the great quarries at Raymond to San Francisco, and our traffic manager said, "If that bill becomes a law, it ends our transportation of that stone." The railroad could not be operated upon an eight-hour system, and particularly as to that. There was another concern here at that time, the Government being interested in the contracts for the delivery of the stone for a breakwater at the mouth of the Delaware, and it brought over Mr. Anthony Higgins, who had been a Senator of the United States, and who then represented a transportation company, and he came here and argued in behalf of water transportation that that bill would apply to it, and that no boating concern could even transport freight by water upon that stream, where the distance was more than could be traversed in eight hours, if that eight-hour bill should become a law, the Government being interested in the ultimate contract.

Mr. GOEBEL. All of that simply would go to show that certain things ought to be eliminated. What I am trying to get at is the fundamental principle.

Mr. PAYSON. The only object that I have here, Mr. Chairman and gentlemen, is to demonstrate just in this offhand way the necessities for this sort of an investigation. This bill can not be matured, a bill of this kind that interferes with or covers transactions of hundreds and hundreds of millions of dollars, where thousands and thousands of industrial enterprises are directly interested, where the welfare of hundreds of thousands—and I measure my words when I say that hundreds of thousands—of laboring men are concerned, can not be perfected, by a colloquy between Mr. Davenport and Mr. Gompers, sitting across this table, one asking the other whether he would be willing that this should be done or that should be done. It is because you gentlemen are not familiar with the fundamental features of this bill, of the principles underlying it, that I shall ask to be heard a little later on, because Mr. Gompers says the working people are weary of coming before this committee and asking for this legislation and not getting it, and then he asks you how often they shall come and go away disappointed. I will tell you, Mr. Gompers, how often you will come and go away disappointed: Just so long as you ask things that are not reasonable, just so long as you ask Congress to throttle great industries like the Newport News Shipbuilding and Dry Dock Company, and these other thousands of interests, large and small, all over the country. The reason you do not get what you ask for is that you are asking for things that you ought not to have.

I have said so much now to straighten myself out. An attempt is made here to prejudice the feeling of this committee as against corporations by citing that terrible disaster out in Colorado lately. That did not occur through greediness and rapacity on the part of the railroad company as against an employee at all. It came this way: There were two men at a little side station: one had the day shift and the other the night shift. The night man did not want to go on one night: he wanted to go first and get a bank draft cashed at a little bank there where you could go and get money at any time that you could find the cashier, and, secondly, he wanted to go to a dance. The other man undertook to work all night, after working all day.

The night man went off and the day man stayed, and then he went to sleep and this calamity occurred. That is all there was to it. There was no greed on the part of the company and there was no man who could be criticised on the part of or in connection with the railroad corporation, and by that simple accident that happened to come in that way a terrible disaster occurred that shocked the whole civilized world, almost. The railroad company ought not to be held responsible for it, and morally they were not responsible for it, and to undertake to say here that corporations are asking things from this committee that they ought not to have and by the employment of overofficious attorneys come here trying to crowd things out that ought to go is not right. One more word, before I conclude, as to the general statement Mr. Gompers makes with regard to this bill.

This bill is not only not the bill of the Fifty-ninth Congress, but ought not to be named in the same day with it.

Mr. HASKINS. Do you mean the Fifty-ninth Congress?

Mr. PAYSON. The Fifty-eighth Congress. It is nothing like it. Mr. Davenport called attention, I think, to the fact that the transmission of intelligence is omitted from this bill, as it was in the other. Does Mr. Gompers remember how that happened to occur? I doubt whether he does, but I had something to do with it, and that is the reason that I remember. In the original bill that came before this committee the telegraph companies were included. Why? Because the Postal Telegraph and the Western Union Telegraph Company have contracts with the Government for the transmission of Government messages, and the point was made somewhat vigorously by myself in behalf of the Western Union Telegraph Company that where a contract existed between the Government and the Western Union Telegraph Company in the carrying out of that contract if one or more of these operators were engaged for any length of time he would be restricted then to eight hours, no matter what other service he might be employed in. And so, in the wisdom of the committee, of course exception was made in reference to that. But I remember very well, Mr. Chairman, what Mr. Gompers will not disavow now, that it was in that connection that Mr. Gompers made the confession before this committee that it was the intention of those who represented organized labor before this committee to bring to this country the matter of the eight-hour day in every form of employment. I know he will avow that now.

Mr. GOMPERS. That is not a confession.

Mr. DAVENPORT. Allow me to quote from Mr. Gompers's statement, to be found on page 213 of the hearings before the Committee on Labor in 1902, when Judge Payson stated, as he had previously stated, that it would be impossible for any plant to run a part of the time doing Government work for eight hours and another ten hours, and that the purpose of this bill was to compel every one of those concerns to go to the eight-hour basis [reading]:

> Judge Payson did me the honor and did our movement the honor to state candidly our position so far as this bill is concerned. That is what we hope to accomplish. We believe exactly what some of the employers who have appeared before this committee and other committees upon the subject say. We believe it will not be long when the eight-hour law shall pass, and I trust it may pass. If this bill shall become a law it will not long be possible to operate one branch of a plant on the eight-hour basis and another upon the ten-hour basis. No; we know what the effect of it will be, and it is because they, too,

know the effect of what that law would be that they oppose it. But we say that they are standing in their own light in opposing it and that they are doing themselves a wrong and that they are belittling their own intelligence and foresight in so doing.

Mr. PAYSON. And so a single word in conclusion as to this preliminary. I did not think it was just that the committee should rise under the false impression made by the forcible way in which Mr. Gompers has stated some of those things. Enough has developed in the colloquy between us around this end of the table to demonstrate that this bill ought not to be reported or acted upon by this committee without hearings as to how far it applies and how broad the scope of the bill is, for in a single word I undertake to say that this bill does not come within the suggestion made by Senator McComas in the Senate committee that it would only affect 90 per cent of Government purchases.

This bill as it stands now before the committee is practically a bill which is open to all of the objections that were urged to the original eight-hour bill, except as transportation and telegraph company messages are concerned, and at that time you can remember, Mr. Chairman, and Mr. Bartholdt will remember if he was here, that when that bill was pending this room was not large enough to hold the men who came here representing all sorts of industrial interests, and particularly New England interests, in opposition to this bill, and because it showed that it would drive them into practical insolvency or the abandonment of Government business. This room was crowded on both sides, and people were standing outside who could not get in, representing the smaller interests of the country and all the great industries, not only the six or seven great iron and steel manufacturing plants of this country, the Bethlehem and the Carnegie, but I recall very well that a representative of the Fairbanks Scale Company was here saying what it represented to them, and that whereas they had a very large and profitable business which they would be glad to retain, yet under this bill it would mean to them the going out of business. This is simply to demonstrate the necessity at the threshold, Mr. Chairman, of the newer and younger members of this committee hearing what the representatives of these industries have to say.

Mr. STANLEY. Were those hearings preserved in writing?

Mr. PAYSON. I think the first Congress when the bill was pending here they were not printed.

Mr. STANLEY. Were the hearings of the last ones printed?

Mr. PAYSON. Yes; all of them since have been stenographically reported, and I think they have been printed.

Mr. STANLEY. It looks like this question ought to be decided sometime—yes or no. I think labor is entitled to be told either yes or no by the representatives of the people. How long do you think it would take to present the matter?

Mr. PAYSON. I can only speak as to myself. If I should have the honor of appearing before the committee, I think one session would be as much as I would want as to the interests I represent. But on legal questions I know that ex-Secretary Herbert and Judge McCammon entertain the views that I have spoken of as to the legality of this legislation, and they would undoubtedly desire to be heard. It seems to me that a programme could be mapped out.

Mr. STANLEY. I did not know how many interests you were speaking for.

Mr. PAYSON. Before this committee only for the shipbuilding interests and——

Mr. STANLEY. I am not expressing any opinion as to the comparative merits.

Mr. PAYSON. Of course; I understand you. I have no general clientage outside of the three corporations I have named, and an occasional retainer for the Western Union.

Mr. DAVENPORT. We would like also to be heard on this question, if we have an opportunity. I have some telegrams and communications here, and I think it would be better for the committee to go into executive session.

(At 1 o'clock p. m. the committee went into executive session.)

COMMITTEE ON LABOR,
HOUSE OF REPRESENTATIVES,
Wednesday, May 16, 1906.

The committee met at 11 o'clock a. m., Hon. John J. Gardner (chairman) in the chair.

The CHAIRMAN. The clerk reports that the Manufacturers' Club of Buffalo, the Citizens' Industrial Association of St. Louis, the Metal Trades' Association of Cincinnati, and, in fact, the whole list of the people who had applied for hearings represented in the communications before us were notified of the hearing on Thursday last. The only persons who seemed to have appeared are Mr. Gompers, Judge Payson, and Mr. Davenport. Are you ready to go on this morning for the Newport News people, Mr. Payson?

Mr. PAYSON. Whenever the appropriate time shall come.

The CHAIRMAN. I reckon we are ready. The fact is that the naval appropriation bill is before the House this morning, and we will have to adjourn at 12 o'clock.

Mr. GOMPERS. I should like to know what conclusion the committee reached in regard to the eight-hour bill?

The CHAIRMAN. The committee determined to begin hearings today at 10.30 o'clock, and to continue them at least every other day until they are closed.

Mr. PAYSON. Was anything determined by the committee as to whether the burden should be taken by the friends of the bill? It has seemed to us in a matter of so much importance as this, and particularly remembering the differences between the pending bill and the bills which have been before Congress for the last two Congresses, that perhaps the friends of the bill ought to give some reasons, if they have any, or such evidence or statements in support of the bill we think should be projected into the forum in the first instance. I make the suggestion.

The CHAIRMAN. There was no arrangement made of that kind. In fact, nobody had applied for any hearing in behalf of the bill. All the applications before the committee on which it acted were understood to be in opposition to the bill.

Mr. PAYSON. Yes.

Mr. HASKINS. Mr. Gompers was heard here in the last open session.

Mr. NORRIS. Mr. Chairman, it seems to me it would be more logical if there are those who desire to be heard further in favor of the bill to permit them to be heard first, and then give those who are opposed to the bill an opportunity to be heard. I only suggest that, inasmuch as we have taken no action on that subject; but it seems to me that it is the logical course to pursue—to hear the affirmative first and then the negative, and so on, as long as anyone desires to be heard, one way or the other, and the committee are willing to hear them.

Mr. GOMPERS. Mr. Chairman, may I be permitted to say a word just here? Of course I thoroughly understand the desire to hear an argument in favor of the bill, particularly by the opponents of the bill It might take another day or more, and it would be very agreeable to the opponents, a waste of time, that is, from our view point. All that we have to say in support of that bill has already been said, both before this committee and before the Senate Committee on Education and Labor, and is in print. It is true that in certain phraseology this bill differs from the bill in the Fifty-eighth Congress. But it does not differ from the bill of the Fifty-seventh Congress nor of the Fifty-sixth Congress, and the hearings that were then had, the testimony that was then taken, is in print. So far as the advocates of the bill are concerned, and speaking for them, we have nothing further to offer than the testimony, the hearings, and the arguments had before the House Committee on Labor and the Senate Committee on Education and Labor upon this bill in previous Congresses, and substantially the same bill in the last Congress.

Mr. HASKINS. Does this bill differ from what is known as the McComas bill?

Mr. GOMPERS. Not except in phraseology; not in fact; not appreciably in fact. I will say, Mr. Chairman and gentlemen, that sometimes there is a period which arrives when a case is beyond the stage of argument. We think that the eight-hour bill, the Gardner eight-hour bill now before your committee, has reached that stage. It has reached that stage, at least, so far as we are concerned.

Mr. NORRIS. I would like to ask Mr. Gompers a question, and before I ask it I want to suggest that there are some members of the committee, and I am one of them, who were not on the committee before, and consequently did not hear the other arguments. I do not think we are at all disposed to ask that anything be repeated, but if Mr. Gompers can suggest or will suggest where the argument and evidence can be found, definitely, I would like to read that evidence and argument before passing on this bill here, inasmuch as I have had no opportunity to hear it, and, of course, I would do so. I do not, for my part, want anybody to repeat anything, but I would like to have them designate explicitly where it can be found, so that I can get it, and I would be glad to get it and read it before final judgment is passed by the committee on the present bill.

Mr. GOMPERS. Mr. Chairman, I suppose that for any significant and important piece of legislation it is necessary to go through various stages before its final achievement, in the matter of public discussion, discussion before committees, and sometimes before Congress. Congressmen come and go, new men are elected to take the places of those who retire from time to time; but, of course, the arguments stand; the statements stand. But the advocates of the eight-

hour bill have from time to time and have for more than twelve years appeared before the committees of Congress, before this Committee of Labor of Congress, in advocacy in regard first to an amendment to the present law, and then the present bill which is practically a restatement of existing law, to apply it to the contracts and subcontracts let by the Government for Government work. With others I have appeared before the Committee on Labor of the House, and also before the Senate Committee on Education and Labor.

Anything that either the advocates of the bill, or, I might say, the opponents to the bill, could bring forward, either in support of or in opposition to the bill, has already been said in some form or other. Other language might be employed, but there is not a new fact, there is not a new thought, that could be adduced before this committee on either side, as will be apparent when we consider that hearings were had on the eight-hour legislation, this bill or the McComas bill, which was reached by a process of elimination, I might say, from the original Gardner bill, and the Gardner bill before the committee——

The CHAIRMAN. Pardon me for interrupting here, but there never was a McComas bill, that I am aware of. Mr. McComas never introduced a bill that I ever heard of. I do not know how that comes to be talked about.

Mr. HUNT. I have received quite a number of letters from people asking me to do this and that in reference to the McComas bill.

Mr. GOMPERS. I was led into the error by the repetition of the name by others.

The CHAIRMAN. It has this foundation. They have reference to the present bill as amended in the Senate committee of which Senator McComas was the chairman.

Mr. GOMPERS. Yes.

The CHAIRMAN. And that is the bill introduced last year by Mr. Hitt.

Mr. HUNT. That would mean practically that the McComas bill and the present bill and all those bills bear in the same direction.

Mr. GOMPERS. The opposition take the same position. It does not make any difference. You attempt to pass a bill that undertakes to regulate the hours of labor for Government work, and you will find equal opposition. There is not anything that we can do to overcome the objection of those who oppose this species of legislation. They are opposed to it, if I might so signify it, from considerations not only of interest, but so-called principle. They are opposed to any species of legislation that will have for its effect the actual material improvement of the condition of the work people, other than their own generosity or philanthropy or their conception of wisdom prompts them to give, to grant, to yield, to concede, as a largess, but not as a right. The hearings and arguments on both sides have appeared in the reports of the Committee on Labor of the House, and also of the Senate Committee on Education and Labor. They are in print, documents I should say in the aggregate not less than 2,000 pages, occupying a period of years.

Mr. NORRIS. Now, Mr. Gompers, may I ask you this question? If I wanted to get the arguments made in favor of this kind of legislation, would I get them all by reading the hearings taken, say, before the Fifty-seventh Congress in this committee?

Mr. GOMPERS. I could not tell you exactly which Congress, but certainly the chairman or the clerk of your committee would be in a position to place before you the copies of the hearings.

Mr. NORRIS. Yes. What I would like to do is this: I would like to get all the arguments and all the reasoning without going over any more ground than is necessary. It would be unnecessary for me to read both the hearings before this committee and the Senate committee, because I presume they are about the same, are they not?

Mr. GOMPERS. Substantially.

Mr. NORRIS. You would get all of it by reading the hearings that took place before this committee?

Mr. GOMPERS. Yes. And we do not want to take up any time.

The CHAIRMAN. While you are on your feet there, there is a matter I would like to mention. The McComas bill, the Hitt bill so called, is spoken of in connection with the old bill known as the "Gardner bill," and you have said, I think, once before, that they all embody the same principle, and they are substantially the same. Do you mean to make that a matter of record as the position of yourself and your organization? It is claimed, I think, by the shipbuilding people that the report of the Committee on Labor of the Senate has had the effect of eliminating about everything but the shipyards. It was stated here the other day by Judge Payson, I think, that the Secretary of Commerce and Labor, or some person in authority there, says that from the bill under consideration last year, to wit, the bill as reported in the Senate by Senator McComas, about 95 per cent of the effect of the present bill was eliminated.

I call your attention to the fact that among the things which were in the original bill in the Committee on Education and Labor was a provision to give the right of appeal to the contractor to the Court of Claims, and conferring upon that court the jurisdiction to hear and determine, which it had not before. The old bill excepted from its provisions such materials as might be usually bought in the open market, whether manufactured to conform to particular specifications or not. That was amended in the Senate by inserting after "materials" the word "articles," making it "materials or articles," the term "articles" there covering materials which would be eliminated from the bill. Again, an amendment was put in over there in the following words: "Or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not." That is another broad elimination from the operation of the bill of a large part of the Government supplies. I do not know how far it would go. The allegation has been made against the bill as amended there that there was nothing left in it but the river and harbor work, and the shipyards. I do not know whether the two phrases taken together—"or articles" and "supplies, whether manufactured to conform to particular specifications or not"—are not almost broad enough to include a ship.

Mr. GOMPERS. Mr. Chairman, when I made the statement that the Gardner bill, and what had come to be known as the McComas bill were substantially the same, I meant to say so far as they received the opposition of those who are against that species of legislation, not that they are in terms exact or that they are in terms equally desirable; and, as I have already indicated, at the hearing last week or two weks ago, we desire the enactment of the Gardner bill.

Mr. PAYSON. As it stands now?

Mr. GOMPERS. As it stands now; yes, sir.

Mr. HASKINS. H. R. 4449, introduced by Mr. Little on December 6 in the Fifty-ninth Congress, it occurs to me upon an examination of it, is about word for word what is called the "McComas" bill.

Mr. PAYSON. Shall I proceed now, Mr. Chairman?

The CHAIRMAN. If you are ready.

STATEMENT OF HON. L. E. PAYSON.

Mr. PAYSON. Mr. Chairman and gentlemen, the colloquy for the last ten minutes between yourself, Mr. Chairman, and Mr. Gompers, emphasizes more fully than I could hope to do in a half hour's speech to this committee the necessity of full hearings in this case. It is difficult for me to understand, Mr. Chairman, how it is—and I say it with the utmost respect to my friend Gompers—that a gentleman who has been with this legislation from its inception down to now, and whom I have met as frequently as I have met him in my opposition for the last eight years, should make the statement to you when the question is as to what should be examined by this committee before its action shall be invoked upon whatever is before it; that the bill which is now pending before this committee known as the Gardner bill is substantially the same as the so-called "McComas" bill. It will be my pleasure later to call attention not only to the differences between the pending bill 11651 and the so-called "McComas" bill and add to the suggestions which have been already made by the chairman of the committee to show not only the differences thus referred to, but others equally as fundamental, and I may include it all in a word, as a preliminary proposition, that this bill and the bill which was pending in the last Congress—and which was referred to the Secretary of Commerce and Labor, which is the so-called "McComas" bill of the Fifty-seventh Congress—are as different as day is from night.

Another thing. When Mr. Gompers is pleased to say to this committee that it is easy to ascertain what has been said and done in reference to all this proposed legislation, and that there is nothing new that can be said, and all that members of this committee have to do is to take the hearings which are in print in reference to it and run them over, and then you can ascertain what the merits of this bill are—may I make an exhibition, simply? Here, Mr. Chairman, are four volumes of hearings of different years. Here is another, later [indicating books], and there is one larger than any three of these, namely, the hearings before the Senate committee in the Fifty-eighth Congress, and the whole thing aggregating, without stopping to see the number of pages, but hazarding a guess, over 3,000 pages of material that has come before these different committees. Let me ask you, Mr. Norris, as a member of Congress—and intending to do your duty not only by organized labor, as you should do, but also your duty toward enterprises of millions of dollars of legally invested capital, and of hundreds of thousands of laborers who do not belong to organized labor, whose rights and interests are affected by this bill—how are you expected to do that unless you get the benefit of at

least an epitomizing of all these things, so that you can grasp it as you sit at this table and may be prepared to act as you should act—understandingly?

It can not be done, Mr. Chairman, in any other way than as has been mapped out in your committee, and to permit hearings upon the bill; that those who favor it should come in the first instance as an original proposition and state why this bill in the present condition of the industries of this country and the relation of labor thereto, not only organized, but unorganized labor, should be passed; and when they have said why this bill should become a law then give us a patient hearing as to why it should not become a law. It will be my duty, as it will be my privilege, Mr. Chairman, to endeavor to aid somewhat in the light of the experience I have had in these matters, and the knowledge that I think I possess as to some of the underlying conditions in reference to the questions involved in this proposed legislation, to give this committee the benefit of what I know about it. And I desire at the threshold to say that I feel that I ought to rebuke the suggestion made by my friend Gompers that practically the only object that the opponents of this bill have in appearing before this committee is to cause delay. You will remember the observation he made—and I was sitting under his hand, and he looked at me when he said it—that if the friends of the bill were compelled to take the initiative it would result in another day's delay, which would be valuable and doubtless was the purpose of those opposed to this bill.

Now, let me say to you, Mr. Chairman, and I call you to witness to it, that I have been, for clients of mine, for eight or nine years past, opposing this legislation, and except two years ago, when confined to my bed by illness for four months, when I was unable to attend, there has never been a meeting of this committee at which I have not been present before the hour set for its assembling. There has never been a time when it was my duty to say what I had to say that I have not been prepared to say it, and if there has been any delay in this matter in the last four years, no portion of that delay can be charged up to me, and I can call the chairman of the committee as witness to that proposition. I have no object of that kind in view, and never have had; never have had.

Now, addressing myself, Mr. Chairman, in a practical way, as I regard it, to the consideration of this bill. Without going into any lengthy statement as to the interests which I represent here, as to their importance and what my clients expect of me and have a right to expect of you, it seems to me that the methodical way of presenting this matter is first to call the attention of this committee to exactly what they are called upon to consider, and, secondly, after this shall be done, for us to present testimony before this committee, either by the appearance of witnesses themselves or by statements made by them found in print, and the book and the page of the volume given where it shall be found, entering into this record, so that everything will be conveniently in the hands of this committee. But the preliminary statement I regard as absolutely essential, and with that I proceed. And in advance, Mr. Chairman, of presenting such facts as I shall deem essential for a proper consideration of this bill I think it wise to place before the committee as accurately as

may be just what is before the committee, and just what this bill is, especially in view of the remarkable statement made by Mr. Gompers at the last open session, and repeated in this session, that this is the same bill that has been pending here substantially for years. The pending bill is No. 11651, introduced by Mr. Gardner on January 12, 1906, and I will ask that it be inserted as part of these observations. I need not stop to read this, because I take it that gentlemen of the committee are familiar with the reading of this bill itself.

[H. R. 11651, Fifty-ninth Congress, first session.]

A BILL limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or any Territory or the District of Columbia, thereby securing better products, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each and every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States or any Territory or said District, which may require or involve the employment of laborers or mechanics, shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day; and each and every such contract shall stipulate a penalty for each violation of the provision directed by this act of five dollars for each laborer or mechanic, for each and every calendar day in which he shall labor more than eight hours; and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, report to the proper officer of the United States or any Territory or the District of Columbia all violations of the provisions in this act directed to be made in each and every such contract, and the amount of the penalties stipulated in any such contract shall be withheld by the officer or person whose duty it shall be to pay the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor, his agents, or employees, or any subcontractor, his agents, or employees. No person, on behalf of the United States or any Territory or the District of Columbia, shall rebate or remit any penalty imposed under any provision or stipulation herein provided for, unless upon a finding which he shall make up and certify that such penalty was imposed by reason of an error in fact.

Nothing in this act shall apply to contracts for transportation by land or water, nor shall the provisions and stipulations in this act provided for affect so much of any contract as is to be performed by way of transportation, or for such materials as may usually be bought in open market, whether made to conform to particular specifications or not. The proper officer on behalf of the United States, any Territory, or the District of Columbia may waive the provisions and stipulations in this act provided for as to contracts for military or naval works or supplies during time of war or a time when war is imminent. No penalties shall be exacted for violations of such provisions due to extraordinary emergency caused by fire or flood, or due to danger to life or loss to property. Nothing in this act shall be construed to repeal or modify chapter three hundred and fifty-two of the laws of the Fifty-second Congress, approved August first, eighteen hundred and ninety-two, or as an attempt to abridge the pardoning power of the Executive.

Mr. Gompers has stated here that this is the same bill that has been pending and considered for the last eight years in Congress, and that the full and exhaustive hearings had in the past two Congresses left nothing to be learned or said upon the subject of the merits of this bill. I say to you, Mr. Chairman, with due respect, that nothing could be more inaccurate in statement, either as to the scope of the bill or its effect upon the industries of the country. In the Fifty-eighth Congress the pending bill was No. 4064.

[H. R. 4064, Fifty-eighth Congress, first session.]

A BILL Limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract in the employ of the contractor or any subcontractor contracting for any part of said work contemplated shall be required or permitted to work more than eight hours in any one calendar day *upon such work;* and every such contract shall stipulate a penalty for each violation of such provision in such contract of five dollars for each laborer or mechanic for every calendar day in which he shall *be required or permitted to* labor more than eight hours *upon such work;* and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, forthwith report to the proper officer of the United States, or of any Territory, or of the District of Columbia all violations of the provisions in this act directed to be made in every such contract, *together with the names of each laborer or mechanic violating such stipulation and the day of such violation;* and the amount of the penalties imposed according to the stipulation in any such contract shall be directed to be withheld by the officer or person whose duty it shall be to approve the payment of the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor or any subcontractor. *Any contractor or subcontractor aggrieved by the withholding of any penalty as hereinbefore provided shall have the right to appeal to the head of the Department making the contract, or in the case of a contract made by the District of Columbia to the Commissioners thereof, who shall have power to review the action imposing the penalty; and from such final order whereby a contractor or subcontractor may be aggrieved by the imposition of the penalty hereinbefore provided such contractor or subcontractor may appeal to the Court of Claims, which shall have jurisdiction to hear and decide the matter in like manner as in other cases before said court.*

Nothing in this act shall apply to contracts for transportation by land or water, *or for the transmission of intelligence*, or for such materials *or articles* as may usually be bought in open market, whether made to conform to particular specifications or not, *or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not.* The proper officer on behalf of the United States, any Territory, or the District of Columbia may waive the provisions and stipulations in this act during time of war or a time when war is imminent, *or in any other case when in the opinion of the inspector or other officer in charge any great emergency exists.* No penalties shall be imposed for any violation of such provision in such contract due to any emergency caused by fire, *famine*, or flood, by danger to life or to property, *or by other extraordinary event or condition.* Nothing in this act shall be construed to repeal or modify chapter three hundred and fifty-two of the laws of the Fifty-second Congress, approved August first, eighteen hundred and ninety-two.

While it is an eight-hour bill, it is so radically different that a person favoring the pending bill would promptly reject No. 4064. That was the bill which was introduced by Mr. Hitt in the last session of Congress, and the same bill which was referred to the Secretary of Commerce and Labor. I have noted in italics the provisions in No. 4064 which are not found in the present bill, No. 11651, and let me briefly call your attention to what they are. Remember what I read now, that in italics, is not found in the bill that you are considering, but that is the bill which was referred to the Secretary of Commerce and Labor in the last Congress, and upon which a report was made, copies of which are scattered about this table. The Gardner bill provides that there shall not be required

or permitted more than eight hours' work in any one calendar day. The Hitt bill adds to that "upon such work," thus making it perfectly clear what was intended to be provided in that bill, that the hours of labor should not exceed eight hours upon that so-called "Government work," and might be as much longer as the employer and employee might desire upon other work with which and in which the Government had no interest. And further than that, that in any business emergency, overtime might be permitted to be worked for to any extent that the employer and employee might agree upon, and that, I may say, Mr. Chairman and gentlemen, before proceeding further in this discussion, is one of the rocks upon which the friends of this bill and its opponents divide.

Mr. GOMPERS. Is it not true, Judge, that these two features to which you call attention were in the original Gardner bill?

Mr. PAYSON. Away back?

Mr. GOMPERS. Yes.

Mr. PAYSON. I will come to that later.

The CHAIRMAN. Just where do we find the provision that they can by agreement work a longer period?

Mr. PAYSON. I say that is an inference. This is my own language. I say that by any fair argument, under the Hitt bill, when the language is that they shall not be required or permitted to "work more than eight hours in any one calendar day upon such work," the workman may labor more hours upon private work the same day——

The CHAIRMAN. I see.

Mr. PAYSON (continuing). Upon such work, that is a limitation in the bill as far as Congress chooses to go upon the regulation of labor. But besides the Government work it is left purely, under the Hitt bill, in my judgment, to any agreement that the employer and employee may make as to overtime and what emergency shall exist upon which overtime may be asked or performed.

The next change in the bill is that in the Gardner bill. As it stands to-day the penalty is for each violation $5 for each laborer or mechanic for every calendar day in which he shall labor more than eight hours. That is, more than eight hours. The language of the Hitt bill is: "In which he shall be required or permitted to labor more than eight hours upon such work." That is inserted in the Hitt bill, differing from the Gardner bill.

Going back a little, among other discussions which we had in reference to these bills in their early history, one objection was made that under the bill this penalty would be invoked and applied upon a report of an inspector of the Government, either upon his own observation or upon any such investigation as he should make, but it was silent as to what that report should contain. The contractor was left to the mercy of the inspector; no light was given him as to when this thing was said to have occurred or as to the name of the employee who worked in violation of the provisions of the law, and so, in order to give what everybody would concede would be a good reasonable protection to the employer, this proposition was put in the Hitt bill, "together with the name of the laborer or mechanic violating such stipulation and the day of such violation." That is a thing, I think, Mr. Chairman and gentlemen, that would commend itself to the good judgment of anybody. If my client is to

be fined anywhere from $100 to $500 or $5,000 upon the report simply of an inspector and without any right of appeal, before the fine was imposed upon us we ought to be given the name of our employee who had violated it or the name of the subcontractor who had violated the law for which we were to be fined, and the time and the place where it was done, so that we might stand precisely in the shoes of the inspector, as to his knowledge, for which we were to be fined. Any contrary view to that would be so harsh and unreasonable that no honest man would favor the proposition. That is not in this bill. It was omitted in the Gardner bill, but it was in the bill of last year and the McComas bill. As to why that was called the McComas bill, I will reach that presently.

Another proposition was in the Hitt bill and was in the bill of the Fifty-seventh Congress, not contained in the Gardner bill now, found on page 2, beginning at line 19—

any contractor or subcontractor aggrieved by the withholding of any penalty as hereinbefore provided shall have the right to appeal to the head of the Department making the contract, or in the case of a contract made by the District of Columbia, to the Commissioners thereof, who shall have power to review the action imposing the penalty; and from such final order whereby a contractor of subcontractor may be aggrieved by the imposition of the penalty hereinbefore provided such contractor or subcontractor may appeal to the Court of Claims, which shall have jurisdiction to hear and decide the matter in like manner as in other cases before said court.

It seemed to us years ago, when this proposition was first presented (and I remember to have argued upon that proposition standing in the very spot where I stand now eight years ago this session of Congress), that certainly under the laws of the Union no man ought to be fined and his money taken from him in the shape of a penalty without having the right to have it adjudicated under some form of law. It would look to me, Mr. Chairman and gentlemen, as though that proposition would go without saying. It was incorporated in the Hitt bill, and was in the McComas bill, but it is omitted from the Gardner bill.

And then again, the Hitt bill last year, No. 4064, contains this provision: "Nothing in this act shall apply to contracts for the transmission of intelligence." That is omitted from the Gardner bill. It was in the McComas bill and in the Hitt bill and not here. How did it happen to come there? Going back (and I shall have to repeat myself a little here) in the early stages of this legislation the bills were in substance and in fact genuine eight-hour bills. They were intended to hit everybody who had a Government contract and bring the labor employed by that contractor within the eight-hour limit. Railroads were included within it. Telegraph companies were included within it. Carriers by water were included within it, and so on and so on. And among the early discussions which were had before this committee and before the Senate committee there were gentlemen representing the great trunk lines of the country in opposition to that proposition. It happened then as now—I have a clientage limited in number, but made up pretty well in importance—that among my clients were the Southern Pacific Company and the Union Pacific Railroad Company. Those two transportation companies then had a mileage of about 12,000 miles of trackage under interstate-commerce regulations. As soon as I looked over the bill I came to the conclusion that we came within it as to everything that

we did for the Government, including the carriage of mails, and a conference was had in the city of New York in reference to that subject.

If my notions of it were true and accurate and well founded, it was a pretty serious question as to how we were going to deal with the Government in reference to the transportation of mails, let alone the question of army supplies and the materials for public buildings, and hundreds and hundreds of other dealings that we had with the Government as railway companies—how we were going to deal with the question. The legal department in New York concluded that I was right about it, and thereafter consultation was had by me with the post-office authorities. The Postmaster-General had no doubt that my view of the matter was right; that the carriage of the mails came within the purview of this law, and under our contract to carry the mails, involving the employment of labor upon our trains, if we worked a man upon one of those trains more than eight hours in any one calendar day we were subject to the penalty. Of course this question arose, Can you refuse to carry the mails? The railroad routes being post routes, could we refuse to do it? And if we had to do it under the eight-hour bill it would, as everybody can see at once, revolutionize our method of doing business, because there was not a railroad line in the United States then, nor is there now, so far as I can ascertain, where the limits of the hours of labor of the train employees were as low as eight hours—not one. It would follow that we would have to equip special trains, if we did any work for the Government, and limit the hours for that purpose, limiting the hours to eight hours, and take the chances of being laid out and all that sort of thing. So we protested here and in the other end of the Capitol that there should be an exception with reference to all transportation lines, and it was deemed so important and the opposition to what we were saying at that time was so persistent on the part of gentlemen sitting on the other side of the table, that it became necessary for us to produce before these committees the testimony of railroad men and post-office officials as to what the effect of this bill would be upon transportation companies.

At my instance, Mr. Frank Gannon, who was general manager of the Southern Railway Company, who was selected because his road was a type of all the roads in the country, came before this committee and went before the committee of the Senate and gave his judgment as to the effect of the bill on the business. The result was that it went ultimately out of the bill—that is to say, it was put within the exceptions of the bill. Now, Mr. Chairman, this very proposition illustrates the point that I was making at the outset, of the necessity of this committee examining everything that this bill relates to. It also tends to controvert the proposition of the consistency of the gentlemen on the other side when they say that this is not only the same bill, but is the bill they have always been in favor of. There is no representative of organized labor, Mr. Chairman, or one who is connected with them who will now come before this committee and say that he wants railroads included within the operation of this bill; and if the gentleman at the head of organized labor disputes that proposition, I will be very glad to have him say, in my time, that he does not agree with what I am saying.

Mr. GOMPERS. I disagree with what you are saying, sir, if the men affected by the operation of such a law would themselves favor it; and the only persons who are in a position to express their own judgment are those who are organized for the purpose of considering just such questions, and they have not expressed themselves in favor of it, and hence they are excluded from the operations of the bill; otherwise they would have been included.

Mr. PAYSON. I tried by my question, Mr. Chairman, and will again endeavor, to have Mr. Gompers say in this presence, with his apparent desire to be sincere in what he has to say here, whether at this time he is in favor of striking out from the Gardner bill the exception as to railroads to-day. Yes or no will answer the question.

Mr. GOMPERS. I will say, sir, that if it were in my power to influence Congress, I should endeavor to have a law enacted that would embody the eight-hour principle for all those who are employed directly by the Government, or those who do work for the Government by contract through contractors or subcontractors. I realize, however, that there are conditions and circumstances that make such a broad scope impossible, at least at this time. Hence it is not a question of eliminating any one by desire. But as Judge Payson has done us the honor to say, and he has evidently quoted that statement of mine with the purpose of arousing your opposition to the bill, we have said in the past what I will for the present record repeat now, that it is the hope that the eight-hour day shall become a universal rule for the working people of our country, and that the purpose of this bill, the purpose of the initiating of this legislation, and that covers this bill and former bills, the so-called "McComas bill" included, is that it shall tend to the establishment of the eight-hour day among the working people of our country. And wherever we have what appears to have been a receding from our original position it is not one of our own choosing, but one that we have been forced into by reason of the manifest opposition of all those who appeared before this committee and the Senate Committee on Education and Labor to oppose an eight-hour law. I want to know whether my statement has been full and ample enough to satisfy Judge Payson?

Mr. PAYSON. For its fullness and amplitude nobody could object to it; but the question has not been answered or even approached, so that I will resume my own statement.

The CHAIRMAN. Perhaps I ought to interject there just one word for the record.

Mr. PAYSON. Yes.

The CHAIRMAN. As to the draft of the original bills, several of them, it was a matter of evolution. I want to say that the first suggestion that ever reached this committee room as to the impracticability of including transportation lines came from Andrew J. Furuseth here representing the men engaged in transportation by water on the Pacific coast. Mr. Furuseth has been a sailor, and the impracticability of it was suggested to him first as touching vessels, as he said, and secondly, as touching railroads connecting with vessels; so that the exception came originally, so far as coming to this committee is concerned, from a representative of the labor organizations representing especially those engaged in transportation, and was made on the basis of its impracticability rather than on principle.

Mr. PAYSON. Is that all, Mr. Chairman?

The CHAIRMAN. That is all that I have to say.

Mr. PAYSON. The point that I was endeavoring to make, Mr. Chairman, when I asked Mr. Gompers the question, was that his attitude to-day upon the question of railroad transportation is not his attitude of eight years ago, and that eight years ago this was in the bill and there is no proposition, so far as any representative of any railroad company was concerned, so far as they were ever advised or knew, to take it out of the bill. We opposed its remaining in the bill, and it seemed to require discussion after discussion in order to get it out of the bill, and it never did go out, Mr. Chairman, until after at least two years of discussion had gone on, when Mr. Fuller produced some telegrams he had received from some prominent men connected with railways, among them Mr. Arthur, who was prominently connected with a railroad employee organization, in which he said that he favored this eight-hour bill except so far as it related to the operations of railroads, and that was the first intimation that ever came to any of us that any of the friends of this bill would be in favor of this exception, and later on in the progress of this discussion I will produce before you that telegram. But the point that I was making is that Mr. Gompers's attitude at that time was in favor of burdening the railroad companies with whatever burdens grew out of this bill, in so far as it could be judged by what he said or did. We got it out of the bill, and I tried to ask Mr. Gompers whether he would be in favor of putting it in to-day, and he makes a statement that is "ample and full," but does not answer and does not meet the question. So that I assume that you will not hear, Mr. Chairman and gentlemen, from any of the friends of the bill any proposition to include the railroads in it. How does it vary again? This language is, "or for the transmission of intelligence." That includes all the telegraph companies of this country, as well as cable and telephone lines. Some of the railroad companies have their own telegraph lines, as I am advised. Ours does not. The telegraph people are under contract with the Government to send Government messages. An operator at one end sending a message and the operator at the other end taking it are engaged in the employ of a contractor "under a contract with the Government" for the transmission of intelligence, and under this bill as it stood before it was conceded, so far as I know, universally, that telegraph companies came under these provisions, and that it ought not to be so.

Mr. HASKINS. Is not that true of all telegraph companies, that they are under obligation to transmit the Government messages?

Mr. PAYSON. Yes; the Western Union and the Postal Telegraph and the others, so far as I know, all are; but some of the railways own their own telegraph systems, and that provision was put in the bill for obvious and just reasons, and I doubt, Mr. Chairman and gentlemen of the committee, whether you will find any member of the legislative committee of the American Federation of Labor who will say that that exception ought not to be inserted. I am speaking now of the differences in the bills. Then again, the bill of last year contained an exception as to articles which may usually be bought in the open market. The Gardner bill provides for such materials as may be usually bought in the open market. The distinction between

those two words I will come to at a later stage of what I shall say to the committee.

Again, the bill of last year contained among the exceptions as to its operation these words, "or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not." That was in the bill of last year and is not in the Gardner bill of this year. Again, in the bill of last year was this exception, found in line 15, on page 3, "or in any other case"—speaking of emergencies now—"that the proper officer may waive the provisions of this act in time of war or when war is imminent."

Now, the bill of last year said, "or in any case where in the opinion of the inspector or any other officer in charge any great emergency exists." That was in the bill of last year, was in the McComas bill, and it is not in this bill; that is to say, no emergency will excuse a contractor under the terms of the Gardner bill except during time of war or when war is imminent, or, a little later on, where it is caused by fire or flood or danger to life and property. There is the difference in that.

Then, again, in the last bill. An emergency which grew out of a famine was made an exception in that bill, and it is omitted for some reason in the Gardner bill of this year. If there is a famine in any part of the country, Mr. Chairman and gentlemen, or there should appear to be a necessity for the exercise of some work in connection with some Government contract that that matter might affect, it does seem to us, and it seemed to us when that bill was under consideration, that famine was as bad as either fire or flood, and if there was a famine, and if the emergency existed, we think that there should be an exception with reference to it. It does not appear in this bill, but it did appear in the bill of last year.

Then, the bill of last year also had another exception as to emergency, "or by any other extraordinary event or condition." It would seem as though that was reasonable. I am not discussing now at length these propositions, but I am simply showing the difference between that bill and this to disabuse the minds of this committee if the impression that they are dealing with a bill now that is in substance the same as the bill of two years ago and four years ago.

Now, that is the bill of last year.

In the Fifty-seventh Congress, Mr. Chairman, the bill was No. 3076.

(At this point, 12 o'clock m., the committee adjourned until Friday, May 18, 1906, at 10.30 o'clock a. m.)

COMMITTEE ON LABOR,
HOUSE OF REPRESENTATIVES,
Friday, May 18, 1906.

The committee met at 10.45 o'clock a. m., Hon. John J. Gardner (chairman) in the chair.

The CHAIRMAN. When we adjourned the other day, Judge Payson, you had not concluded your remarks?

Mr. PAYSON. No.

The CHAIRMAN. Does it make any special difference to you when you shall conclude them? I ask this with a view to inquiring whether there is anyone present here from a distance who would be inconvenienced by remaining if he was not able to be heard to-day?

Mr. PAYSON. Oh, I would be very glad to give way to anyone who who is here from a distance, because, like the poor, I am with you always.

The CHAIRMAN. Is there any gentleman here from a distance who would like to be heard this morning? There does not appear to be, Judge, and if you will continue now we will be glad to have you do so.

STATEMENT OF HON. L. E. PAYSON—Continued.

Mr. PAYSON. Mr. Chairman and gentlemen, as you will remember, I was endeavoring at the last hearing of the committee to point out the distinctions between House bill 11651, the bill before you, and the bill in the last Congress, No. 4064, and I had practically concluded all that I desired to say as to that, with this addition: The difference between those two bills, Mr. Chairman, may be concisely stated, in my judgment, in this, that House bill 4064, in the judgment of the Senate Committee on Education and Labor and in the judgment of the Secretary of Commerce and Labor and his solicitor, and of every gentleman in public life whose opinion has ever been expressed upon it, so far as I know, would only reach about 5 per cent of the contracts between the Government and the manufacturers. This bill, No. 11651, will cover more than 95 per cent of the contracts between the Government and Government contractors. That is the practical difference between the two bills.

Mr. NORRIS. Now, might I ask you, do you mean by that 95 per cent in addition to those contracts that are already covered by existing law?

Mr. PAYSON. I leave existing law out, because there is no existing law that covers the question of contract between the Government and contractors, except such contracts as apply to public work as such.

Mr. NORRIS. Yes.

Mr. PAYSON. Public work as such; that is what I mean.

Mr. NORRIS. Now, outside of that——

Mr. PAYSON. Outside of that is what I am talking about.

Mr. NORRIS. That this bill will reach 95 per cent?

Mr. PAYSON. Yes, sir; 95 per cent of what the Government has to deal with in manufactured articles between contractors and itself, outside of public work as such, and not including naval vessels.

Mr. NORRIS. I think I understand.

Mr. PAYSON. And I think I may say in passing that any time during the progress of this discussion, at this time or any time later, if I should fail to make myself understood I should be very glad, and it will not be regarded as an interruption, but as a favor, if you will ask me to make myself more thoroughly understood

Mr. NORRIS. I would like to ask you right there, unless you expect to give us that later, what your idea is, as to what you base that percentage on?

Mr. PAYSON. I will come to that.

Mr. NORRIS. How do you reach that conclusion?

Mr. PAYSON. I will come to that later.

Mr. NORRIS. All right.

Mr. PAYSON. Because I am stating this now as a sort of opening address to you, treating you as a jury for the present. The testimony in the case as we will introduce it, in extenso, will demonstrate what I state to you, as I think, so that I simply state my conclusion about it, my judgment about it, based on eight years' experience at this table and at the corresponding one at the other end of the Capitol.

Now, that is the difference between the two bills, and I wish to emphasize the importance of the consideration of these questions by gentlemen who are not familiar with the situation.

Mr. NORRIS. I think if that statement be borne out by the fact, that that is true, that it is a very important consideration.

Mr. PAYSON. Yes; and we will show it to be true.

Mr. NORRIS. In other words, if that be true, then, what has been adduced in favor of these other bills would not be sufficient for a man to pass judgment upon this bill?

Mr. PAYSON. No.

Mr. GOMPERS. Would it be an interruption for me to say a word?

Mr. PAYSON. Not in the least for you to say a word, but for a long argument upon the benefits of the eight-hour day it would be.

Mr. GOMPERS. Of course I shall not invade your time——

Mr. PAYSON. Oh, my time is in common with you.

Mr. GOMPERS (continuing). Or to divert the purpose of the hearing. But by the question which Mr. Norris put to you he appeared to indicate that the hearing thus far had, in support of what has come to known as the "McComas bill," is not sufficient as covering the present bill, and that therefore further hearings and investigations may be necessary. I simply desire to say that the hearings were in extenso, and arguments have been made upon both sides upon the Gardner bill in not less than three Congresses, and that the present Gardner bill is identical with the hearings that have been held upon that bill.

Mr. PAYSON. I am coming to that part of it a little later.

Mr. NORRIS. I simply make my statement, based on the statement of Judge Payson, that this bill covers 95 per cent, and the other bill upon which, as I understand, hearings have been had only covers 5 per cent.

Mr. PAYSON. Yes, sir.

Mr. NORRIS. Assuming that to be true, then I should think that what was said upon the other bill would not necessarily be sufficient on this bill.

Mr. GOMPERS. But the premise and the assumption is wrong.

Mr. NORRIS. I understand that, and he himself says that this is simply his opening statement to the jury, and if it is not substantiated by the evidence, it will not be sufficient, of course.

The CHAIRMAN. Let us get that clear as we start. The copies of all the bills are here. The first one was in the Fifty-sixth Congress. There have been how many bills?

Mr. PAYSON. I have them all here and am coming to it and will cover them all in five minutes. I have them all under my hand and will call the attention of the committee to them, as I think, in a methodical way.

The CHAIRMAN. Yes.

Mr. PAYSON. In the Fifty-seventh Congress the bill was No. 3076, a copy of which I have in my hand.

[H. R. 3076, Fifty-seventh Congress, first session.]

A BILL Limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or any Territory, or the District of Columbia, thereby securing better products, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each and every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics, shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day; and each and every such contract shall stipulate a penalty for each violation of the provision directed by this act of five dollars for each laborer or mechanic for each and every calendar day in which he shall labor more than eight hours; and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall upon observation or investigation report to the proper officer of the United States, or any Territory, or the District of Columbia, all violations of the provisions in this act directed to be made in each and every such contract, and the amount of the penalties stipulated in any such contract shall be withheld by the officer or person whose duty it shall be to pay the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor, his agents or employees, or any subcontractor, his agents or employees. No person on behalf of the United States, or any Territory, or the District of Columbia, shall rebate or remit any penalty imposed under any provision or stipulation herein provided for, unless upon a finding which he shall make up and certify that such penalty was imposed by reason of an error in fact.

Nothing in this act shall apply to contracts for transportation by land or water, nor shall the provisions and stipulations in this act provided for affect so much of any contract as is to be performed by way of transportation, or for such materials as may usually be bought in open market, whether made to conform to particular specifications or not. The proper officer on behalf of the United States, or any Territory, or the District of Columbia, may waive the provisions and stipulations in this act provided for as to contracts for military or naval works or supplies during time of war or a time when war is imminent. No penalties shall be exacted for violations of such provisions due to extraordinary emergency caused by fire, *or* flood, or *due to* danger to life or *loss to* property. Nothing in this act shall be construed to repeal or modify chapter three hundred and fifty-two of the laws of the Fifty-second Congress, approved August first, eighteen hundred and ninety-two, or as an attempt to abridge the pardoning power of the Executive.

This was reported to the House as it was introduced, except for some slight changes in phraseology toward the end—the insertion of the word "or," and the insertion of the words "do to," and the words "loss to;" simply verbal corrections of phraseology. With those exceptions the bill which was reported was the bill which was introduced. After its passage by the House it went to the Senate, and was considered by the Senate Committee on Education and Labor, and reported out amended.

Mr. DAVENPORT. May I inquire whether there was any hearing before this committee in the Fifty-seventh Congress?

Mr. PAYSON. My understanding is that there was not. I think it went out, was reported out from the committee, and was passed under a suspension of the rules on the floor of the House. I do not speak with accuracy as to this, but it is not material so far as what I have to say goes.

Mr. GOMPERS. I think that hearings had been had upon that bill and upon the similar bill in the previous Congress.

Mr. PAYSON. That is neither here nor there. Bill No. 3076 was amended in the Senate, and is what is known as the "McComas bill." When the chairman says there is no such bill known as the "McComas bill" the chairman does not speak with entire accuracy as to that.

The CHAIRMAN. I meant to have that corrected in the record. I was unaware that Mr. McComas had taken the House bill with the Senate amendments and introduced it as an original bill, but upon examination of the record it shows that that is true.

Mr. PAYSON. Yes; and after the bill was reported as a part of the history of this legislation it was a matter that was discussed in the Senate and was talked of in the newspapers, and the bill that I hold in my hand, No. 3076, as reported by Mr. McComas, was known as the "McComas bill," because it varied so much from the bill which was introduced and passed by the House. This bill, I may say in a single word, was almost identical with the bill to which I have been referring, No. 4064, introduced by Mr. Hitt in the Fifty-eighth Congress, at the first session.

Mr. CONNER. Now, an inquiry. Was it not upon the Hitt bill that we had the hearings here in the Fifty-eighth Congress?

Mr. PAYSON. Yes; I want to correct myself as to that. I did not remember when I said that I could not speak with accuracy as to that. In the Fifty-eighth Congress I was confined to my bed, was in bed for five months, and was in the house for four months more, and took no part in it, but upon suggestion I remember now that hearings occurred, but I was not present.

The McComas bill, which I will insert as a part of this statement, indicating the changes which were made by italics and brackets, so as to show the changes, was almost identical with No. 4064—with the so-called "Hitt bill" of the Fifty-eighth Congress.

[H. R. 3076, Fifty-seventh Congress, second session.]

AN ACT Limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or any Territory, or the District of Columbia, [thereby securing better products], and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That [each and] every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics, shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day *upon such work;* and [each and] every such contract shall stipulate a penalty for each violation of [the] *such* provision [directed by this Act] *in such contract* of five dollars for each laborer or mechanic, for [each and] every calendar day in which he shall *be required or permitted to* labor more than eight hours *upon such work;* and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall upon obser-

vation or investigation *forthwith* report to the proper officer of the United States, or *of* any Territory, or *of* the District of Columbia, all violations of the provisions in this Act directed to be made in [each and] every such contract, *together with the names of each laborer or mechanic violating such stipulation and the day of such violation*, and the amount of the penalties [stipulated] *imposed according to the stipulation* in any such contract shall be *directed to be* withheld by the officer or person whose duty it shall be to [pay] *approve the payment of* the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor [his agents or employees], or any subcontractor [his agents or employees. No person on behalf of the United States, or any Territory, or the District of Columbia, shall rebate or remit any penalty imposed under any provision or stipulation herein provided for, unless upon a finding which he shall make up and certify that such penalty was imposed by reason of an error in fact.] *Any contractor or subcontractor aggrieved by the withholding of any penalty as hereinbefore provided shall have the right to appeal to the head of the Department making the contract or in the case of a contract made by the District of Columbia to the Commissioners thereof, who shall have power to review the action imposing the penalty, and from such final order whereby a contractor or subcontractor may be aggrieved by the imposition of the penalty hereinbefore provided, such contractor or subcontractor may appeal to the Court of Claims, which shall have jurisdiction to hear and decide the matter in like manner as in other cases before said court.*

Nothing in this Act shall apply to contracts for transportation by land or water, [nor shall the provisions and stipulations in this Act provided for affect so much of any contract as is to be performed by way of transportation,] *or for the transmission of intelligence*, or for such materials *or articles* as may usually be bought in open market, whether made to conform to particular specifications or not, *or for the purchase of supplies by the Government whether manufactured to conform to particular specifications or not.* The proper officer on behalf of the United States, any Territory, or the District of Columbia, may waive the provisions and stipulations in this Act [provided for as to contracts for military or naval works or supplies] during time of war or a time when war is imminent, *or in any other case when in the opinion of the inspector or other officer in charge any great emergency exists.* No penalties shall be [exacted] *imposed* for [violations] *any violation* of such [provisions] *provision in such contract* due to [extraordinary] *any* emergency caused by fire, *famine*, or flood, [or due to] *by* danger to life or [loss] to property, *or by other extraordinary event or condition.* Nothing in this Act shall be construed to repeal or modify chapter three hundred and fifty-two of the laws of the Fifty-second Congress, approved August first, eighteen hundred and ninety-two, [or as an attempt to abridge the pardoning power of the Executive.]

Amend the title so as to read: "An Act limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes."

In the Fifty-sixth Congress was bill No. 6882. That, practically, was the bill that is now before you, and the original Gardner bill,

without stopping to look at any slight differences between them, was practically the same.

[H. R. 6882, Fifty-sixth Congress, first session.]

A BILL Limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of or work done for the United States, or any Territory, or the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time of service of all laborers, workmen, and mechanics employed upon any public work of or work done for the United States, or any Territory, or the District of Columbia, whether said work is done by contract or otherwise, is hereby limited and restricted to eight hours in any one calendar day; and it shall be unlawful for any officer of the United States, or of any Territory, or the District of Columbia, or any person acting for or on behalf of the United States, or any Territory, or said District, or any contractor or subcontractor for any part of any public works of, or work done for the United States, or any Territory, or said District, or any person whose duty it shall be to employ or to direct and control the services of such laborers, workmen, or mechanics, or who has in fact the direction or control of the services of such laborers, workmen, or mechanics, to require or permit them, or any of them, to labor more than eight hours in any one calendar day, except in cases of extraordinary emergency caused by fire, flood, or danger to life or property, and work upon public military or naval works or defenses in time of war.

SEC. 2. That each and every contract to which the United States, any Territory, or the District of Columbia is a party, and every contract made for or on behalf of the United States, or any Territory, or said District, which contract may involve the employment of laborers, workmen, or mechanics, shall contain a stipulation that no laborer, workman, or mechanic in the employ of the contractor or any subcontractor doing or contracting to do any part of the work contemplated by the contract, shall be required or permitted to work more than eight hours in any one calendar day; and each and every such contract shall stipulate a penalty for each violation of the stipulation directed by this act of ten dollars for each laborer, workman, or mechanic, for each and every calendar day in which he shall labor more than eight hours; and the inspector or other officer or person whose duty it shall be to see that the provisions of any such contract are complied with, shall report to the proper officer of the United States, or any Territory, or the District of Columbia, all violations of the stipulation in this act provided for in each and every such contract, and the amount of the penalties stipulated in any such contract shall be withheld by the officer or person whose duty it shall be to pay the moneys due under such contract, whether the violations for which said penalties were imposed were by the contractor, his agents, or employees, or any subcontractor, his agents, or employees. No person on behalf of the United States, or any Territory, or the District of Columbia, shall rebate or remit any penalty imposed under any stipulation herein provided for, unless upon a finding which he shall make up and certify that such penalty was imposed by reason of an error of fact.

SEC. 3. That any officer of the United States, or any Territory, or the District of Columbia, or any person acting for or on behalf of the United Staes, or any Territory, or the District of Columbia, who shall violate the provisions of this act, shall be deemed guilty of a misdemeanor and be subject to a fine or imprisonment, or both, at the discretion of the court, the fine not to exceed five hundred dollars, nor the imprisonment one year.

SEC. 4. That all acts and parts of acts inconsistent with this act, in so far as they are inconsistent, be, and the same are hereby, repealed. But nothing in this act shall apply to any existing contract, or to soldiers and sailors enlisted, respectively, in the Army or Navy of the United States, or to seamen on seagoing vessels.

Mr. HUNT. Might I ask you whether you have any recollection as to whether there were any hearings upon the original Gardner bill or not?

Mr. PAYSON. There were.

Mr. HUNT. There were?

Mr. PAYSON. Yes. The original Gardner bill when before the House, No. 6882, was considered by this committee and was reported by Mr. Gardner. No. 6882 was introduced by yourself, Mr. Chairman, on the 19th of January, 1900, and reported May 8, 1900. That bill was substantially amended as appears by the bill, a copy of which I have in my hand, and one important amendment was reported on that bill. The bill as originally introduced contained what was practically the law of 1892, the eight-hour law, as applicable to public work. For some reason those who favored this legislation seemed to think that it would be desirable to reenact that law, as I recollect, with no substantial change in it; but it was intended that the bill should be broad enough to cover the entire labor situation as between the Government and Government contractors, and so section 1 of the old bill, No. 6882, was really a reenactment of the old law. But when Mr. Gardner for this committee reported this bill that was stricken out, and that section has never since appeared in the bill.

In the Fifty-fifth Congress the bill was No. 7389. I have been unable to get a copy of that bill. I have been to the document rooms of both the House and the Senate, and have had Mr. Andy Smith, the Record clerk, try to find it for me, and I can not find it.

The CHAIRMAN. I have a copy here as it was reported by the Senate.

Mr. PAYSON. For the purposes of what I have to say this is not material, Mr. Chairman, so that I proceed that I have seen a copy of it in a report, and it is enough to say that as introduced it was almost identical with No. 6882 of the Fifty-sixth Congress and passed the House in the same form. The Senate committee amended it by giving the head of a Department discretion to determine when an emergency existed which should excuse overtime work. An exception was also made as to the transportation of the mails, and the amended bill in the Senate also excepted the purchase of "ordinary supplies" and also excepted contracts "for materials as may be usually bought in the open market."

These, Mr. Chairman and gentlemen, are all of the bills that have been introduced and passed upon by this committee, and as far as I have been able to learn, and it is enough for the purposes of this statement for me to state. Now, will the gentlemen recall that Mr. Gompers vehemently asserted that the pending bill was the bill which had been so long delayed, hindered, and violently opposed, and that there was no difference between them? No. 7389 in the Fifty-fifth Congress, No. 6882 in the Fifty-sixth Congress, No. 3076 in the Fifty-seventh Congress—all of them as introduced and while being considered were absolute eight-hour bills. What I mean by that is that the friends of these bills were seeking to reach out and embrace within their provisions all matters of labor where the Government was interested, indirectly, through private contract with private individuals, and to make a genuine eight-hour bill which would cover all sorts of employment.

That was the object and intent of that legislation. It was plainly expressed on the face of the bill, and as we were here year after year discussing those propositions, it was openly announced on the part of the gentlemen who sit here that it was their purpose to accomplish that which I have indicated by the passage of the bill by securing a gen-

uine eight-hour bill as to everything; to secure the limitation to eight hours of labor wherever the Government was interested directly or indirectly. Every line of railroad or water transportation came within them. Every common carrier, under the earlier bills, was penalized. There were no exceptions as to the "ordinary supplies" of the Government, whether manufactured "articles" or "materials which might be bought in the open market," and for six years, Mr. Chairman, as you remember and as I stated to you gentlemen who were not members of the committee at that time, those of us who were opposed to these bills fought them, because, among other things, all these cases and all these interests came within the bills. The railroads were compelled to resist then as now. As I stated the other day, I was attorney for the Southern Pacific Company and for the Union Pacific Railroad Company, and they then operated some 12,000 miles of road under the interstate-commerce regulations, and it was in that phase of opposition in its early stages that I did make the remark so sneeringly alluded to by Mr. Gompers two weeks ago in this presence when he said that I had said that if the bill should be understood I doubted whether any man would support it. I did say so, and I say so still, because there is not a friend of this bill now, so far as I know, who desires that either railroad or water transportation should be included in this legislation, or that articles usually bought in the open market should be included, or supplies purchased by the Government.

Again, the McComas bill of the Fifty-seventh Congress, second session, for which these gentlemen were clamoring then, is as different from No. 11651 of this session as darkness from light. The McComas bill makes the eight-hour day apply only to work upon Government contracts, and the language is "upon such work." Do these gentlemen stand for that now? Nay, verily. What they now claim and insist upon (and No. 11651 before you to-day is based upon a demand for it) is an eight-hour day only if part of that day is spent on Government contract work.

Mr. CONNER. Allow me to see if I understand you.

Mr. PAYSON. Yes, sir.

Mr. CONNER. Your claim is that a practical construction of this bill is that if any part of the work is done for the Government during the day that this law should apply?

Mr. PAYSON. It will apply.

Mr. CONNER. Will apply to that——

Mr. PAYSON. And eight hours is the limit of exertion for that day by the employee.

Mr. CONNER. This law will apply to that factor?

Mr. PAYSON. Yes; certainly. Any man who spends any portion of the day upon Government work must not work more than eight hours in the aggregate.

Mr. CONNER. Not only as to the portion that is done for the Government, but also that portion of the work that is done for private parties?

Mr. PAYSON. Yes; eight hours in all. Do I make myself understood?

Mr. CONNER. Yes; I understand.

Mr. PAYSON. That is to say, if A, being an employee in our yard, works an hour on a ship that we are building for the Government that

employee can not work for us more than seven hours more on that day, no matter what we pay him. Do I make myself plain?

Mr. CONNER. Yes. I wanted to find out your understanding of it.

Mr. PAYSON. Yes, sir; there is no doubt about that.

The CHAIRMAN. I might add that that was the intention of the bill.

Mr. PAYSON. That has been not only the intention of the bill, but the openly announced position of gentlemen on the other side for the last eight years. I do not misstate your position on that, do I, Mr. Gompers?

Mr. GOMPERS. No; not at all. Only when you speak of this side, I am on the same side of the table with you.

Mr. PAYSON. I say the gentlemen on this side of the table [indicating].

Mr. GOMPERS. That would make it appear as if we were on your side, and we are not.

Mr. PAYSON. No, sir; when I indicate gentlemen sitting in a row on the right-hand side of the table I do not think that it could possibly be misunderstood. Those who have read the record on this subject for the last eight years would hardly doubt that gentlemen sitting at my right in a row were those opposed to me on this legislation.

Mr. GOMPERS. Mr. Hayden is sitting on this side for the moment.

Mr. PAYSON. I do not know where his retainer may be.

Mr. GOMPERS. You would not include him as being on the other side, would you?

Mr. PAYSON. No. That is the construction given to the bill by those who framed it. It is the construction of those who insisted upon its passage and now insist upon its passage, and it is the accepted construction of everybody who claims that it would affect them directly or indirectly; and as to the construction, I have never had any doubt in my own mind from the first day down to date. These gentlemen broadly claim that where the Government contracts enter into the operation of a plant, either in whole or in part, they expect that eight hours shall constitute a day's work by law, and that to be the limitation of the day's work, and that no man must be permitted or required to work more than eight hours in one day if any portion of that day is spent in work upon the Government work. He must not be permitted to work more than eight hours whether that work is in whole or in part connected with a Government contract.

In the Fifty-eighth Congress the bill was No. 4064. This bill was referred to the Secretary of Commerce and Labor by this committee on April 7, 1904. Going back a little now, until the McComas bill in the Fifty-seventh Congress, the opponents of this legislation had made every endeavor possible to secure an opinion from the friends of the bill as to its effect upon the varied industries of the country, and utterly failed. The manufacturers of the country universally believed that the bills that I have named would apply to them whenever they entered into a Government contract and the work was done or the material furnished by their employees with especial reference to the contract, and that as practically all their establishments were upon a longer day than eight hours, and the amount of Government work was relatively small, the application of the eight-hour day would be injurious if not disastrous to their business. Those men knew and believed that to be so. Therefore the bill was important to them, and hundreds of manufacturers were heard, orally or in

writing, in opposition to this bill, and the great proportion, Mr. Chairman and gentlemen, of the documents which I displayed before the committee showing the volume of the hearings before you here the other day (omitting now the arguments which were made by the attorneys and the arguments which were made by gentlemen in opposition to this bill), the great bulk of that testimony, thousands of pages, was given in this room and the corresponding room at the other end of the Capitol by manufacturers of all kinds of articles used by the Government, under the belief that they were thus affected, and giving reasons why they were thus affected.

But we could never—and I emphasize that again—we could never secure an expression of opinion from gentlemen sitting on my right now, who were in favor of this bill, as to the effect of this bill beyond the limitation of time. Eight hours of a day was all that we could get out of them for years and years. I served in writing on Mr. Gompers in this room more than seven years ago these questions which I will read, it being an extract from a hearing:

Mr. PAYSON. I ought to say, in conclusion, that not knowing what course would be taken in the argument by the gentleman who is to conclude the hearing, Mr. Gompers, I have submitted to him a few questions to which I have asked his special attention, and have asked him to answer them before you, so that his views upon a proper construction of this bill—his intentions in regard to it—may appear in the records of this committee. I volunteer the prediction that, although the questions are simple, every one of them directly to the effect of the second section of this bill, he will not answer any one of them; and whether he does or not, I ask you gentlemen of the committee to look over them and answer them for yourselves when you shall come to consider this bill in executive session with a view to your committee acting upon it.

Now, these are the questions:

Is it not your purpose by this bill to bring about the adoption of the eight-hour day for all work in establishments partly doing contract work for the Government, either as contractors or subcontractors?

That question two years later was answered for the first time, and from that time to now there has never been any misunderstanding as to that part of the proposition, that it was the object of this bill and the object of those who were forcing its passage not only to bring about an eight-hour day in Government work, but an absolute eight-hour day in every manufacturing and industrial plant. That is the answer now, but it was not for two years. The next question was:

Assuming that large establishments of a country, now doing large Government work in common with private work, could not, and therefore would not, undertake to carry on both lines of work on different hours as a day for each line; how, in your judgment, would the large work—like ships, armor, structural iron for public buildings, etc.—be carried on?

There never has been an answer from that day to this on this record. Again, I asked this question:

Is it, in your judgment, desirable that large constructions—like public buildings, ships of war, wharves and docks, etc.—should be done by the Government direct, rather than by contract? Which system is preferable?

No answer has ever yet been made to that question here. Again, I asked this question:

Have you any idea, based on inquiry, as to which method would be the most economical to the Government, or do you think the Government could successfully compete with private establishments for its larger needs, like public buildings, ships, wharves, improvements of rivers and harbors, etc.? Take

the proposed increase of the Navy, under the recommendations of the Secretary of the Navy, i. e., three battle ships, 13,500 tons displacement, to cost, exclusive of armor and armament, $3,000,000 each, and three armored cruisers, 12,000 tons displacement, to cost, exclusive of armor and armaments, $4,000,000 each. Should these be built by the Government direct, or by contract?

That question has never been answered in this presence. The next question was:

Has the Government a navy-yard which could build them as a business proposition? What has been the experience of the Government in late years in shipbuilding at its navy-yards, if you know? What proportion of work in any large establishment that you know of is Government work?

That question has never been answered in this presence or before the committee at the other end, although I may say in passing that Congress has taken up the proposition in the naval bill as to the building of a ship at a navy-yard in competition with private enterprise, namely, the *Connecticut*, which is now being constructed at the Brooklyn Navy-Yard, and the *Louisiana*, which is being constructed at our yard. What the result of that may be I shall leave to a subsequent stage of this discussion, to see what shall be claimed on the other side of this discussion as to that proposition. But at the time these propositions were put Government construction in recent days had not been entered upon. And I wish to say in that connection that I shall be very glad to take up the question, if the proposition shall be advanced by those in favor of this bill, that Government construction is preferable from any standpoint. The next question is:

You have heard the reasons given to this committee by prominent manufacturers who contract for the Government work why the different systems of hours for a day's work—namely, ten hours as they work and eight hours as by this bill—could not be carried on in their shops. Do you concede this; or, if not, why do you say they could be?

I may interrupt myself, gentlemen of the committee who were not present at these hearings, long enough to say that every manufacturer who has stood in this room and has testified upon the question has said that it was a practical impossibility to carry on the two systems in one plant, and nobody, I do not care who he is—a friend of the bill or otherwise—has ever asserted in this presence that it was possible to do it. But I asked the question; no evidence or opinion came from that side, as I remember:

You have heard the reasons given to this committee by prominent manufacturers who contract for this Government work why the different systems of hours for a day's work—namely, ten hours as they work and eight hours as by this bill—could not be carried on in their shops. Do you concede this; or, if not, why do you say they could be?

Then I asked further:

Would not this bill reach cooperative societies where their products were for use in contracts with the Government and with special reference thereto? Would not the principal contractor be liable for every breach of the law by all the subcontractors?

I have never heard any answer to that proposition here yet, and, with the exception of the time when I was ill in the Fifty-eighth Congress, I doubt whether I have missed a session in the last eight years.

Again I asked:

Do you know approximately what proportion of the material used in larger structures contracted for by the Government is bought in the open market, and would not subcontractors be as largely interested as the principal contractor under this bill?

That last question has been answered repeatedly—that every subcontractor stands in the shoes of the contractor as to all the penalties imposed by this bill, whether the principal contractor had any knowledge or reason to believe that there were any violations by the subcontractor or not. That has been answered time and time again.

Upon the question—and I may as well put it in here, and make it as symmetrical as I had it in my own mind; whether it is good or not I can not say—as to the desire or the intention or the belief on the part of those who favor this legislation as to the effect of the bill upon the length of a day's service, I quote from a statement made by Mr. Gompers, found in Senate Document 141, the second session of the Fifty-seventh Congress, made on June 3, 1902. Mr. Gompers, having this matter before him and pressed upon his attention, said:

> We are endeavoring to secure the limitation of a day's work to eight hours. Where Government work enters into the operation of a plant, either in part or in whole, we expect that eight hours shall constitute a day's work by law and the limitation of a day's work.
>
> Mr. PAYSON. That is what I wanted you to say.
>
> Mr. GOMPERS. I am very glad, because I wanted to say it myself, and I want to emphasize it, if possible.

And in 1904, two years later, the same matter being under consideration by Mr. Gompers, he used this language:

> We have been asked how far does this bill go? How far do you want it to go? If we are candid, and we desire to be, as to how far, we would answer until it reached every man, woman, and child who works in the United States. And I trust that statement will be broad enough and comprehensive enough to satisfy the opponents of the bill.

Except as to the first and last questions, no answer has ever come from these gentlemen, to my knowledge, although every one of these questions, gentlemen of the committee, must be considered and answered by you in any fair treatment of this bill. The opponents of the bills year after year by oral evidence and by documents, practically undisputed, have demonstrated the injustice and the impolicy of this bill. The only argument from the other side was that the proofs came from a biased source. Then the Department of Commerce and Labor was appealed to as an impartial investigator, a Department created especially for labor interests and at the demand of organized labor. The resolution and letter of transmittal are as follows:

> COMMITTEE ON LABOR,
> HOUSE OF REPRESENTATIVES,
> *Washington, D. C., April 13, 1904.*
>
> Hon. GEORGE B. CORTELYOU,
> *Secretary of Commerce and Labor.*
>
> SIR: I have the honor to transmit herewith a copy of H. R. 4064, entitled "A bill limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes," together with a resolution passed by the Committee on Labor of the House of Representatives, which committee has the bill under consideration, on April 7, 1904.
>
> The resolution, which is the immediate authority for the reference of the bill, is the best evidence of its purpose.
>
> Very truly, J. J. GARDNER, *Chairman.*

RESOLUTION OF THE COMMITTEE.

Be it resolved by the Committee on Labor of the House of Representatives, That the Secretary of Commerce and Labor be, and he hereby is, requested to investigate and report upon the bill now pending in said House (H. R. 4064) entitled "A bill limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes," his said report to state his conclusions with regard to the following questions:

1. What would be the additional cost to the United States of the various materials and articles which it customarily procures by contract, which would be governed by the limitations set out in the said bill?
2. What damage, if any, would be done to the manufacturing interests affected by the provisions of the bill if enacted?
3. Whether manufacturers who have heretofore furnished materials and articles to the Government under contract would continue to contract with the Government if such contracts were within the peremptory eight-hour limitation provided by the said bill?
4. What would be the effect of the enactment of the said bill, if any, upon the shipbuilding industry?
5. What would be the effect of the enactment of the said bill, if any, upon the export trade of the country?
6. Are the laborers of the country, organized and unorganized, who would be affected by the proposed legislation willing to have taken away from them the right to labor more than eight hours per day, if they desire to do so?

May I read that again, gentlemen?

6. Are the laborers of the country, organized and unorganized, who would be affected by the proposed legislation willing to have taken away from them the right to labor more than eight hours per day, if they desire to do so?
7. What effect will this proposed legislation have, if any, upon the agricultural interests of the country?

A report upon this bill along the lines indicated is respectfully requested at the commencement of the next session of Congress.

Passed at a meeting of the Committee on Labor held Thursday, April 7, 1904.

J. J. GARDNER, *Chairman.*

Attest:

JOHN G. SHREVE, *Clerk.*

Then follows a copy of the bill No. 4064, which I have read in your hearing, and which I need not take up in detail now.

Mr. Chairman, I do not stop at this time to comment upon the investigation of the Department and its report further than to show that this Department, created especially to look after the interests of labor whenever those interests were suggested in proposed legislation, regarded the questions sent to it by this committee as important, but as difficult of ascertainment except from testimony, precisely as the committee had been securing it from manufacturers and employers who knew as to their own business, rather than from interested theorists who necessarily could not know. The Department also concluded that it was absolutely necessary as a preliminary step to determine definitely the scope of the bill, and secured the opinion of its official legal adviser, found on page 16 of the report. I do not discuss this opinion now. I shall do that later, but I only refer to it now to show that even the McComas bill in its exceptions from the general application of the bill to contracts with the Government is so vague, so liable to a variety of interpretations, that there is no reasonable certainty as to it until a clear interpretation is made by the Supreme Court. Will gentlemen stop to consider for a moment what that means in a practical way? Before that question could get into the courts there would have to be a contract made under the bill, that contract entered into, violations of its provisions occur, the contractor

fined, and then take his chances in a court, although at that time there was no court to which we could go, but in some way get it into the courts and secure an adjudication.

Now, does any gentleman suppose that there is any contractor in this country who will undertake any Government contract, large or small, who will enter into a written contract which shall contain a stipulation such as is required by this bill, and then take his chances of a favorable decision under the language of the decision of the Supreme Court of the United States as to the validity of it, for the small profits that grow out of any Government contract that is made? Nobody can suspect such a thing to be possible. But the Secretary of Commerce and Labor approvingly quotes Senator McComas—that probably 95 per cent of Government purchases would be excepted from this bill, and that practically the shipbuilding and iron industries are the only ones affected by it. That was Senator McComas's conclusion when the bill was before his committee. Senator McComas's statement, made time and time again, as these gentlemen know, was that this bill did not hurt any of these manufacturers who were coming there. Time after time manufacturers would stand up before his committee and say they feared this and that, and Senator McComas would say, from the other end of the table, "This bill does not hit you and can not affect you," until everything had been eliminated from the bill except the shipbuilding industries and the iron industries, and nothing else was left, and the Secretary of Commerce and Labor approvingly quotes that interpretation of the law in its effect upon the Government contractors. From the great mass of evidence which was before that committee a portion will be submitted to you later.

And this leads me to say that it must not be regarded as strange, Mr. Chairman and gentlemen, when Mr. Gompers says he finds here opposed to this bill the same gentlemen that he found all these years opposing it, with the same vehemence with which they opposed it then. It is because of the fact that in that 5 per cent that remained affected under the bill, subject to its provisions, were the shipbuilding and the iron industries, represented then and now by myself and Mr. Hayden and his firm, Mr. Hayden being present here now. The rest of them were "let out" by the exceptions in the McComas bill. This bill is no worse than the original Gardner bill, and it is no better; it is precisely the same. And so if the McComas bill—the bill No. 4064 of the last Congress—were pending here to-day, my opposition to it would be precisely the same as it is now to this, for the interests I represent now, which I represented then—namely, the shipbuilding interests. Now, this, Mr. Chairman, is the eight-hour bill which organized labor was pushing last year. Why the shipbuilders and the large ironworks were singled out for this legislation, with their ruin possible, is for me very easily, and at the proper time will be, answered.

We come now to the present bill. It is not the modified bill of later days, confessedly affecting only two industries, both deserving the best treatment Congress can give instead of the worst, but it is the same old bill of the Fifty-fifth, Fifty-sixth, and Fifty-seventh Congresses, which called out protests from manufacturers all over the land, with the same vices that those bills had. Unlike No. 4064, it does not restrict the labor to eight hours on Government contract

work. This bill imposes the penalty, "If the employee shall labor more than eight hours," whether the employer knows it or not. Upon mere observation or ex parte investigation by an inspector and report by him the penalties of this act, which possibly might aggregate thousands of dollars in one contract, may be imposed and collected by retaining the contract money, without a hearing and without a right of appeal to the courts or the Department officials before the fine or penalty is imposed. Nothing could be worse, it seems to me, Mr. Chairman and gentlemen of the committee, than that sort of a proposition; and especially when you remember that these same penalties, which in the first instance may be visited upon the contractor, go all the way down through to every subcontractor connected with the business and with the interests which I represent, numberless almost as to the construction that we have, and about which I will speak later, whether we had any reason to know or even to suspect that the law was being violated. Upon the mere ipse dixit of an officer who is vigilant in protecting the Government against these infractions of the law these penalties are imposed, without any hearing before the penalty is imposed.

Again, all telegraph companies are within this bill. The bill of last Congress, as I stated, contained an exception with regard to all means for "the transmission of intelligence." In these days of progress they are three—the telegraph, the telephone, and the cable, which of course is a branch of the telegraph. I have no clients among the telegraph companies, but a statement of the proposition, it seems to me, shows the absurdity of including them in this bill. Take the Western Union or the Postal Telegraph Company; there is an existing contract with the Government for the transmission of Government messages. There is with every telegraph company. There is with the cable companies; there is with the telephone companies. In the performance of the contract is involved the employment of labor, and, as is stated by this bill, any telegraph operator who transmits a Government message is just as much concerned in the performance of that Government contract as the man who rivets a bolt on a ship under the contract for the building of a ship. If he sends a message in a day occupying thirty seconds of time, eight hours is the limit of that day's work under this penalty. It is the same way with the telephone companies. They are not clients of mine, and I am not arguing anything for them, but I am simply citing them to illustrate what I say is the absurdity and vice of the bill; and it is no more absurd as to the cases that I am now stating than it is as to the other industries and manufacturers which I have the pleasure and honor of representing.

The CHAIRMAN. Let me ask you right there if you hold as a legal view that the terms "laborer or mechanic" include a telegraph operator?

Mr. PAYSON. Undoubtedly; undoubtedly.

The CHAIRMAN. I ask the question in view of this fact, that the word "workman" was eliminated from the bill in the Senate, for the reason, as given, that it narrowed its application and omitted a great class of men who would be workmen and would be neither laborers nor mechanics.

Mr. PAYSON. In that view did you share?

The CHAIRMAN. In view of the history of the labor legislation, the

construction of the eight-hour bill, and what the courts have said about it, yes; I shared in it.

Mr. PAYSON. I would be very glad to be advised if there has ever been a decision on any case that has arisen under the old legislation of 1892 or anywhere else between the Government and a telegraph company?

The CHAIRMAN. I am not aware that there has been under the act of 1892, but there has been under the act of 1868, where the words "laborer, workman, and mechanic" are used. All the adjudications we have had upon the subject have grown out of that bill.

Mr. PAYSON. Yes; I know about that.

The CHAIRMAN. Which contains the words "laborer or mechanic."

Mr. PAYSON. Let me ask you this: What would you say a telegraph operator was?

The CHAIRMAN. I think if he would come within this bill at all he would come in as a workman. I forget the language of the court, but it held that the terms of the act of 1868 meant something, that there was a distinction between "laborer" and "workman" or "mechanic," and this bill was drawn on the basis of the act of 1868, really. But I do not recall readily——

Mr. PAYSON. Sure it is, Mr. Chairman and gentlemen of the committee, that in the interpretation of this bill by members of Congress and at the Senate end—and it is not disrespectful to the committee to say that the members of the Committee on Education and Labor in all these years would compare favorably with the members of this committee—they regarded it as essential for the protection of the telegraph companies that that should be inserted as an exception in the bill, and it was so inserted because it was deemed necessary and upon the suggestion substantially as I have made it here.

Proceeding, only "materials such as may be bought in the open market" are excepted in this bill. Exactly as in the old bills, manufactured articles contracted for come within the operation of this bill. Now, let it be noticed that all through this proposed legislation from first to last a clear distinction has always been taken between "materials" and "articles" for obvious reasons. Materials—that is, the substance or matter of which things are made; the articles—that is, the manufactured things themselves made from the materials. This clear distinction, I say, between materials and articles has always been recognized, and is in this bill by the studied, plain omission of "articles" and "supplies" from the exceptions named in the bill. This bill includes them, and every manufacturer producing them is hit by this bill. No business emergency will permit any overtime work of even so little as five minutes under this bill. And you will be asked later, gentlemen of the committee, to consider this bill not upon platitudes as to the general relations of capital to labor or the theoretic desirability of a general eight-hour day, but upon practical and actual conditions which shall appear from the record which shall be made in this matter. The evidence to be given to you as to facts will show—and let me be understood in this now, for I regard it as fundamental, lying at the very threshold in this discussion—the evidence to be given to you as to facts will show that in every factory or plant where it is done, Government contract work is largely the smaller percentage—in every one. You will not find a case, from those where millions and

millions of dollars' worth of work are done in a year, down to the humblest manufacturer who makes army buttons for the tailor, with the eagle and coat of arms of the United States upon it, not an instance will be cited before this committee where the amount of Government work under Government contract is not largely less than private work.

It will also be shown that it is absolutely impossible to so separate the two classes of work that the Government contract work shall be operated upon by a distinct part of the workmen. It must absolutely, in every case—mark what I say, absolutely and in every case—go hand in hand with similar work in that plant on a private contract, from the very smallest article manufactured under contract to the largest that is known in a private way, and that is a battle ship. It will be shown to you that it would be absolutely impossible to work any plant doing both kinds of work under, jointly, the eight-hour day on Government contract work and more than eight hours on private contract work. It will be shown to you beyond any question that there is not an establishment in the United States, not one establishment in the United States doing Government contract work, that is on the eight-hour basis. It will be shown to you that every manufacturer who testifies—and they are exactly in the same condition as all the rest who will not appear before you—everyone who testifies before you will say that if this bill should become a law they reluctantly will be compelled to give up seeking Government work, and they will give you the reasons therefor. It will not be shown to you that in a single establishment doing Government work, except the iron industry, there is any complaint against the manufacturers to-day, either as to the hours of labor or as to the wages which the laborers receive. In the thousands of pages of evidence taken on this subject by committees of Congress, so far as I can recall, not such an instance has ever peen proved; not one.

Again, this bill, like all the others, is addressed especially against overtime work, and let me call your attention now, gentlemen of the committee, to this point, which I regard as very essential. Overtime work, by all the gentlemen who are favoring this legislation and pressing it, has been denounced in and out of season and without limit. Now, what is overtime work? Where the day is a limit or a unit of labor in all these establishments, assume it is nine or nine and a half hours a day, it oftentimes happens that there are business emergencies not necessary to detail where it is desirable that some additional time should be consumed upon the work on which the workmen are engaged. Sometimes it is a matter of necessity to the work itself and sometimes it is merely a matter of dollars and cents to the employer, and he desires an additional output to his plant, and additional time is asked for and always given. Now, this bill prohibits overtime as strongly as it can do it, and especial effort is made to denounce overtime work by gentlemen who are friends of this bill. What I want to say is this, that that proposition if carried to the extent that these gentlemen would desire it, of course creates an absolute revolution in every industrial establishment in this country where Government work is performed. Let me state what I believe to be a fact here. Mr. Chairman, there is not an industrial establishment in the United States to-day where the day is the unit of labor where there is not an arrangement for

overtime work in cases of business emergency; not one. I have never heard of it. I have made diligent inquiry from all the manufacturers within the circle of my acquaintance and I have caused inquiries to be made by our people at Newport News, and I am justified in the statement, from a careful examination of the situation, that there is not an industrial plant in the United States, not one, where there is not some arrangement for the overtime work that is satisfactory to the employer and the employee where the day is the unit of labor. Of course, where the work is by the piece the question of hours does not cut any figure. But where the day is the unit of labor overtime is universal.

Now, I want to make another statement, and if I am wrong in it the gentlemen can correct me. I assert that in every agreement in existence, so far as we can ascertain, made with the trades unions—the labor unions—in cases where they have absolute control, in every agreement for labor between the trades unions and a manufacturer or employer, there is a provision for overtime work and overtime payment. If I am wrong in that I would be glad to have the gentlemen, in their own time, without stating generally that "Payson is wrong about that," give us the name of a trades union association that has a written agreement with an employer where there is not some agreement as to overtime work between themselves and the employers. I have seen copies, many of them, of these trades-union agreements, and I have never seen one that did not contain such a proposition.

Now, Mr. Chairman, to come down to the interests which I directly represent, my client here is the Newport News Shipbuilding and Dry Dock Company. It is a corporation engaged in the character of work which its name indicates. Its plant is located at Newport News, Va., and in that plant is invested something like $15,000,000. It has upon its pay roll now, of mechanical employees, not including its clerical force and executive officers, something over 7,800 men. It is not an insignificant establishment. We have built and delivered to the Government the battle ships *Kentucky*, *Kearsarge*, *Illinois*, *Missouri*, and *Arkansas*, and quite a large number of gunboats, the names of which I do not recollect. We have still at the works and not delivered to the Government absolutely the battle ships *Virginia*, *Louisiana*, *North Carolina*, *Montana*, *Charleston*, *West Virginia*, and *Maryland*. We are doing an immense repair work, as well as similar merchant-marine construction, and without indulging in any improper comparisons I may say that there is no better plant in the Union, and I am told there is no better abroad. It is a modern and up-to-date plant. It was started some sixteen years ago by Collis P. Huntington, of whom many of you know, one of the great captains of industry. He picked up a little ship-repair yard there and developed it and built it up to what it is now. And there is none better in the world. We have the largest dry dock in this country, and there is only one larger in the world. We have the largest lifting crane ever manufactured, and we have everything up to date in the way of scientific implements and mechanical uses, and I do not emphasize too strongly when I say that the men at the head of that enterprise, men who challenge the admiration of the world for their business enterprise and genius, regard this bill as the most serious attempt to strike down one form of industrial enterprise—that is, shipbuilding—that has ever been made in Congress. We are not alone. The Cramp

establishment at Philadelphia—and I refer to some of these industries because the representatives of some of these larger establishments are not present, but will be later, and as illustrating the importance of the industry alone which I represent, which is common to the rest of these people, I call attention to some of the rest of these plants—the Cramp establishment at Philadelphia; the New York Shipbuilding Company at Camden; the Fore River Shipbuilding Company at Quincy, Mass.; the Bath Shipbuilding Company in Maine; the Maryland Steel Company at Baltimore; the Union Iron Works at San Francisco; Moran Brothers at Seattle, are all equally interested.

These that I have named are all equally interested, and their owners believe as we do as to the vicious character of this bill. These yards, all of them, are not insignificant industrial establishments, Mr. Chairman. The Cramps have on their pay roll to-day upward of 6,000 men in mechanical employ. The New York Shipbuilding Company is a mammoth concern, and they have two or perhaps three ships now for the Government, and they do an immense amount of repair work as well. The Fore River Shipbuilding Company, at Quincy, Mass., the largest of its kind in New England, built up by Boston capital, with the intention of making it the finest in the world, has some three Government ships there. Everything is up to date. They have a force there, I am told, of between 5,000 and 6,000 people at work to-day. The Bath Iron Works, not so large a works, with Mr. John Hyde at the head of it, is now building the *Georgia* for the Government. The establishment has 1,500 or 1,800 people. That is the extent of their employment now. As to the Maryland Steel Company, I do not speak advisedly as to the number of men that they employ, but it is a first-class establishment. It constructed the great floating dry dock, the *Dewey*, about which you all know, which is in process of towage to the Philippine Islands, a unique construction, the best of its kind, and very successfully done. As to the Union Iron Works at San Francisco, I take it that all gentlemen who are familiar with the history of the country know about the Union Iron Works. It is no insignificant establishment.

Now, the industrial importance of this matter is such that it demands attention at your hands, and we shall ask you, gentlemen of the committee, to consider these questions that I have stated, and ask you to answer them before you finally decide on this bill. We shall ask you to consider the questions submitted to the Department of Commerce and Labor, and will expect that you shall answer them to your own satisfaction before you pass upon this bill. This is a business bill and ought not to be affected by simply sentimental theories, which Congress, in my judgment, has no moral right to try to work out at the certain expense, injury, and possible ruin of these great manufacturing establishments, and when this record shall be made up I shall hope to make some comments upon it. I am very thankful to you for the patience with which you have listened to me.

Mr. GOMPERS. I would like to ask Mr. Payson a question, if he cares to answer it.

Mr. PAYSON. I care to answer any questions that will throw light on this subject.

Mr. GOMPERS. Is it not true that the questions which were offered in the form of a resolution in the Committee on Labor of the House of Representatives, submitting questions to the Department of Com-

merce and Labor to answer, were suggested and proposed by counsel for the opponents of this bill?

Mr. PAYSON. Yes, sir; suggested.

Mr. GOMPERS. I want to ask the Judge whether he does not know that the Secretary of Commerce and Labor answered these questions of the committee in the language substantially that the questions could not be definitely, intelligently, and comprehensively answered?

Mr. PAYSON. I will answer Mr. Gompers by saying that I hold in my hand the report of Mr. Metcalf, the Secretary of Commerce and Labor, and what his answers are will best appear by an examination of the document itself. I desire to say that there is not an answer that has been made there that he was not fully justified in making from the facts and the records which were before him, and that he found difficulty in solving all these great questions, so much difficulty in solving all these great questions that he could not make definite answers to them because of the difficulties of the situation; and the great misfortune of the Secretary of Commerce and Labor in answering these questions, in my judgment, if I may be permitted to say so, was that he did not invoke the aid of the representatives of the American Federation of Labor and take their conclusion as to what he should send to Congress. I say that in all earnestness and sincerity. He would then have had answers, and answers about which there would not have been any great misunderstanding. But he did not do that.

Mr. GOMPERS. May I ask you another question?

Mr. PAYSON. Certainly.

Mr. GOMPERS. I am always glad to hear the Judge.

Mr. PAYSON. Thank you.

Mr. GOMPERS. I could hear him speak upon an outside question, with his marked ability and his large vocabulary and excellent choice of language, of words, with the greatest pleasure, and I am sure that I am always glad to hear him speak except when it seems to me it is not essential to the attainment of results.

Mr. PAYSON. Thank you. I am quite content now with the compliment. That is very good. Thank you.

Mr. GOMPERS. But I want to ask him now in all candor——

Mr. PAYSON. Surely, surely.

Mr. GOMPERS (continuing). Whether in his judgment there has been a new thought or a new fact substantial in its character or essential to this hearing that he has brought out in his statement?

Mr. PAYSON. Yes, sir; I think there have been several allusions here that have not been elaborated before, and as to matters of which most of the members of this committee are as ignorant as I am of the principles of Mahometanism.

Mr. GOMPERS. As a matter of fact, do you not notice that there are present at this time only three members of the committee, and that the other members of the committee will be compelled to rely upon reading your argument in the record?

Mr. PAYSON. Yes; there are four members of the committee in the room. Two of them I have never seen in the room before, and I think this is their first term of service. Am I right as to you, Mr. Norris?

Mr. NORRIS. Yes; you are right as to me.

Mr. PAYSON. Am I right as to you, Mr. Hunt, that this is your first term of service on this committee?

Mr. HUNT. Yes, sir.

Mr. PAYSON. That is what I say. These gentlemen are strangers to this service. Do I answer your question?

Mr. CONNER. I think I have a right to assume that the presence of the committee before you has furnished some inspiration to make this explanation.

Mr. PAYSON. I am very much obliged to you.

Mr. NORRIS. I would like to say, as a member of the committee, if I reach a conclusion on this matter—and I want to do it in good faith, the same as I would if I were a judge and trying a case—I must get my information either from these hearings or from reading. Now, I am not disposed to ask any man for my benefit to repeat anything here, but I think that out of the great mass of evidence which has been offered heretofore before this committee when I was not a member of it, if he expects me to pass on it intelligently, and I take it that all gentlemen, no matter what they may think about the bill, want me to do that, he ought to point out to me, if he does not deliver it to me, where I can find what he thinks will be of interest and of benefit to me in reaching a proper conclusion.

Mr. PAYSON. May I interrupt you there, to save your saying anything further on that?

Mr. NORRIS. Certainly.

Mr. PAYSON. That is exactly what we propose to do with you.

Mr. NORRIS. That is what we want.

Mr. PAYSON. What I desire is, in as short a time as I possibly can do it, to do my own clients justice, to put the members of the committee in a position of thorough knowledge with regard to the bill, and I propose to produce some witnesses here to state orally the facts in regard to their own business; and then I shall be glad to tender these witnesses for any cross-examination that the advocates of the bill may want to put them through. They may put them under the strictest sort of an examination, and harrow them any way they please. And I shall read evidence given on former hearings. It has been in my mind to do this to save protracted hearings, because wherever evidence has been given heretofore it can be digested, and there can be read in ten minutes what would take a witness an hour to give you if he appeared before you. I have here in my hand a digest of what I shall read, referring in each case to the book and page, giving to this committee exactly the position of this bill toward the manufacturers of the country. When the proper time shall come I will be glad to present this to you. All these facts will be presented to you for your information, and then you can digest them and make an application of them as your conscience shall influence you.

Mr. NORRIS. I think that those gentlemen who have not heard the former hearings should not be put to the trouble of looking over this vast volume of evidence that has been given. I would be very glad to read it all over, and perhaps it would be very instructive; but most members of Congress are very busy men, and I know that I am, and they have other things to look after, and if I devoted all my time, much more than eight hours a day to this reading, it would be impossible for me to read all the arguments——

Mr. PAYSON. Certainly.

Mr. NORRIS (continuing). That have been offered at different times and in different Congresses before this and the other committee. Now, if any gentleman has any particular evidence, anything that he thinks ought to be read, if he will cite it to me—or at least that is my idea—and tell me where it can be found, I would be very glad to get it and look it up. In other words, I want to reach a conclusion that is justified by the evidence that may be offered before this committee, and I intend to do that the best I can.

Mr. PAYSON. May I add a single word before you get through, following in a logical way what Mr. Norris has said? That is precisely what I intend to do so far as my interests are concerned, not to cite you to it, but to read from the documents themselves such portions as I think are applicable, and if gentlemen on the other side think that it has not gone far enough let them present what they please; but so far as I represent the concerns for which I appear, it will involve no labor on your part except that of a patient listener to what I regard as material and germane to the questions you are called upon to decide.

Mr. CONNER. This statement that has been made by you is simply the statement of the attorney to the jury outlining what it is expected to show, outlining the evidence and where it is to be found.

Mr. NORRIS. Yes; I got that idea. The suggestion that I have made is simply a repetition of that which I made the other day when Mr. Gompers stated that this whole subject had been gone over before; that everything had been said that could be said.

Mr. CONNER. I understood him to say that this was simply preparing us for what was to be offered.

Mr. NORRIS. Yes; I understand that.

Mr. CONNER. And we were simply to sit here and listen to what they give us, and we have nothing to do except to take what they offer.

Mr. NORRIS. Yes; I understood it.

Mr. CONNER. As patient listeners.

Mr. NORRIS. Yes.

Mr. MORRISON. The hearings in regard to this matter have been extremely full and exhaustive, and what you will hear from witnesses is already in the hearings that have been given on this bill before. The question occurs to me whether it would be more difficult for the members of the committee to read the hearings that have been given heretofore, or to read the hearings that will be given.

Mr. NORRIS. In answer to that question, I am willing to let the gentlemen who are managing the different sides of this proposition manage that for themselves. I take it that you on both sides want to give the committee all the information you can bearing on the questions that we have to decide, and on the side that you favor, and pursue your own course. But it is not sufficient, it seems to me, to say "Here, we have had all these hearings over and over again, and you can find them in these documents." I could go through the documents and get it all for myself if I had the time.

Mr. PAYSON. You could never do it.

Mr. MORRISON. This is the situation. We are here and want action taken, and to have the bill passed. The opponents want the bill not

passed, and by continual hearings year after year they accomplish their object. It is the same proposition. Judge Payson states that he is presenting this preparatory to calling in witnesses and having new hearings here which will last to the end of the session of Congress, and there will be no opportunity for a bill to pass.

Mr. HAYDEN. Mr. Chairman, I appear for the Carnegie Steel Company. While I concur in everything that Judge Payson has said, I should like an opportunity to outline the case that I shall present to the committee in opposition to the bill. This bill possesses certain novel features and gives rise to questions which have not heretofore been presented to the committee at all, or have not been elaborated and are not understood. I shall be glad if the committee at its next meeting will permit me to outline my case. Aside from the Carnegie Steel Company, I represent three of the shipbuilding companies mentioned by Judge Payson, and other interests, all having dealings with the Government.

Mr. GOMPERS. Mr. Chairman, if Mr. Norris or any other member of the committee would like to have indicated to them the matters which are of particular moment in support of our contention, I should be glad to indicate in the course of a day where such information can be had and hand it, in the hearings and arguments before the Committee on Labor of the House and also before the Senate Committee on Education and Labor, to them, but I may say this now, that we are not going to present the same sort of evidence over and over again to a committee of Congress which we have already presented in such amplified form for more than eight years. The committee may regard, or some of the members of the committee may regard, the committee as sitting as a jury, but there are certain phases of legislation when it goes beyond the committee sitting as a jury, when the facts are already in, and when we know that the opponents to the bill have consistently pursued a policy, as indicated by Mr. Morrison in the brief statement that he has made to you, of delay and procrastination, and which I took occasion to mention at the first hearing of the committee a few weeks ago—the policy of prolonging the hearings until so late in the session of Congress that it is an utter, a physical, a legislative, impossibility to enact the bill into law. That has been the policy.

It is not the first time that we have met the gentlemen on the other side of this table, and upon any other bill that is pending before Congress or which has been before previous Congresses the gentlemen in their own personality and gentlemen of other names appearing as counsel have opposed our legislation, the legislation which we believe is right and just and proper and necessary, upon one ground or another, but always seeking delay, delay, delay. I shall not attempt to answer the statement, either now or later, made by Judge Payson. The idea of submitting a number of questions and referring them to me several years ago and now referring to them again! The very questions themselves are unanswerable, and he can not answer them himself, and in their essence they were submitted to the Department of Education and Labor, the Secretary of that Department answering that the questions made it impossible to give an intelligent, comprehensive, or definite reply. The reference to me and others who favor the bill as theorists must strike every thinking man. I regret to say it, as the height of absurdity; to refer to the men who

work, the men who do the work, as theorists. And I take it by inference that counsel for the opponents to our bill are the practical industrials, the men who know.

I will say again that it has been a question with me—and I have been counseled with by some of our friends—as to whether we ought, myself included, to come before this committee and attend its hearings; and I assure you that it is simply out of respect to some of the members of the committee that we have been in attendance at these hearings of last week and to-day. We believe that this thing has gone far enough, and it has passed beyond the stage of hearings.

Mr. PAYSON. What do you mean by "this thing?"

Mr. GOMPERS. The eight-hour bill.

Mr. PAYSON. Oh.

Mr. GOMPERS. And this opposition to it.

Mr. HAYDEN. We think the bill has gone far enough.

Mr. GOMPERS. It has gone far enough, and the dilatory tactics have gone far enough, and we do not think that the Committee on Labor of the House of Representatives should lend themselves to that procedure. We ask for an eight-hour law. We think we are entitled to it for the working people of our country. We do not ask for it in the form of an act that shall include all labor. We realize the limitations of the power of government, and we have no desire for the Government to do the things that we can and ought to and will do for ourselves. But Uncle Sam is an employer himself, and in his direct employment of mechanics and laborers he has decided that eight hours shall constitute a day's work in most Departments. In some that has not yet been accomplished. We believe that the work done for the Government of the United States by contract is let by contract, say, for the convenience of the Government, but in the letting of work by the Government to a contractor for its own convenience the eight-hour law applied by the Government for Government work where the workmen are employed direct should apply also to those who do work for the contractors and do Government work and work for the Government.

Mr. CONNER. Mr. Gompers, I think perhaps you may be a little unfortunate in the use of an expression in which you speak of the committee lending itself to carry out the purposes which you criticise. That language might be very offensive if you meant to intimate that the committee had taken sides in this matter with a view of defeating proper legislation.

Mr. GOMPERS. I am not desirous of being offensive, but I am desirous of being understood, and that is——

Mr. CONNER. I understand that you come here as a partisan. We come here as gentlemen under oaths to discharge a public duty. Of course it would be a pleasure to have you with us if you desire to be with us. We do not regard it, however, as absolutely essential that you should be here, and whether you are here or whether you are not we have decided—and that is under oath, too—to go ahead with these hearings. Now, I should not like to have in the start, before we begin to take evidence in this matter, an insinuation made and thrust in our faces that we are lending ourselves to some scheme of somebody else. As far as I am concerned, and I think I can speak for the other members of the committee, I think we are all acting in the best faith, and that is why I raise the question as to the language

you used as possibly offensive, unless you meant it in some other sense than to insinuate what I have said.

Mr. GOMPERS. Of course, if your statement implies that if I continue to hold the opinion that I do hold, my presence here before this committee is not agreeable, I shall be——

Mr. CONNER. It certainly is agreeable to me to have you here, but it is not agreeable to have reflections cast upon the committee.

Mr. GOMPERS. I want to say this, that when I know that in the last Congress the Committee on Labor of the House adopted a series of resolutions containing questions proposed by the counsel of the opposition——

Mr. PAYSON. Because they were deemed to be proper.

Mr. GOMPERS. Please do not interrupt me now——

Mr. PAYSON. All right.

Mr. GOMPERS (continuing). For a moment. I shall be glad to yield in a moment, when I have finished what I have in mind to say. When I know, I say, that in the last Congress the Committee on Labor of the House adopted a series of resolutions at the request of and formulated by the counsel for the opponents of this bill, and at the time the questions were by others and myself criticised, and it was stated, as I took occasion to say, that these questions can not be answered, they are impossible of definite intelligent answer, and notwithstanding that, the committee did pass the resolution containing the questions, and submitting them to the Department of Labor, the answer of the Department confirmed every word of criticism that my colleagues and myself then made, the effect of the adoption of that resolution by the committee of the last Congress was that no further action was taken by Congress. In several of the papers, and particularly one published in Chicago, the Washington correspondent made this statement, substantially—I am quoting from memory, and it is now nearly, if not more, than a year ago—

that no apprehension need be entertained by those who are opposed to the eight-hour bill, because in the manner the Speaker has constituted the membership of the Committee on Labor, no tangible measure on the eight-hour bill can be passed.

Mr. PAYSON. Who stated that?

Mr. GOMPERS. Do not interrupt me.

Mr. PAYSON. I have a right to ask the question. I want to know who stated that.

Mr. GOMPERS. I will answer in a minute. I do not want you to interrupt my train of thought. That was published at the time. Last September, or sometime later than that in 1905, I addressed a letter to the Hon. Joseph G. Cannon, Speaker of the House, calling his attention to this fact of this publication, and asked that in the makeup of the Committee on Labor, "if this be true—if the statement be true," that he take cognizance of it and appoint a committee that would be somewhat more fairly inclined to the requests and demands of organized labor. Up to this moment there has not been one word in answer to that letter, other than from his secretary, that it would be called to his attention. You may know of the bill of grievances which some of the representatives of labor presented to the Speaker, and that fact was called to his attention.

Mr. NORRIS. Now, Mr. Gompers, just one moment.

Mr. CONNER. Let him get through.

Mr. GOMPERS. And this committee has been called together, as stated by Mr. Gardner, the chairman of the committee, at my special request, so that I might ask for a favorable report from this committee to the House of Representatives on this bill; instead of which the decision reached is to have hearings, without any statement as to how long they shall be carried on, when they shall be completed, when they shall be at an end; and judging from both the argument of Judge Payson, made this morning, and the statement made by Mr. Hayden, and the presence of Mr. Davenport, and the indications, it appears to me, and I think the inference is not an injustice to anyone, that the present notion is that there shall be hearings, no matter how long they may last, in order to give all the time that anybody may want to be heard, and I take it that among the 80,000,000 people in the United States, of whom probably there are, say 20,000 or 30,000 manufacturers, perhaps one-fourth of them may be opposed to this bill, or this species of legislation, and if you have your hearings until only one tithe of those who may want to be heard are heard, we shall have the Sixtieth Congress ushered in, and nothing done upon this bill; and then, perhaps, another Committee on Labor will want to have full hearings and act as a jury.

Mr. CONNER. What I had a desire to ascertain by my inquiry was whether you really meant to cast any aspersions on the committee, and that is the reason I made the inquiry of you that I did, and I have waited patiently and heard all that you have said as to whether or not you would convey to me the impression that you had that thought in mind, and inasmuch as after you have said all that you have said you have not cleared up that question yet, I want to place in the record here my protest against the language, and to assure you, not only for myself, but for all the members of this committee, that I think we are not lending ourselves to any scheme of the other side, but are here in the best of faith, with the desire to ascertain all we can, and to get all the light that we can, in order that we may act under our oaths intelligently, finally.

Mr. GOMPERS. I understand this—if I may be permitted—that while I did not use the word "scheme," yet, consciously or otherwise, the action of the committee in determining to have unlimited hearings simply does not free my mind from the impression that the committee is lending itself, either wittingly or unwittingly, to the opposition to this bill.

Mr. CONNER. Not to go into the record at all, but just to show you that you are very extreme in your statements, the truth is that the committee has never decided to have unlimited hearings. You have no authority for that statement at all; and, besides, it is not the fact.

Mr. GOMPERS. But the committee has decided to have hearings.

Mr. CONNER. Exactly.

Mr. GOMPERS. And without a limitation placed upon it there is the other alternative; and that is conclusive that it is unlimited.

Mr. CONNER. No: you are mistaken there again, because that very question arose in our discussion, and we decided to go ahead for a while and see what might be developed, and to keep ourselves in control of the situation and close the hearings whenever we saw fit.

Mr. GOMPERS. Is not that unlimited?

Mr. CONNER. No.

Mr. GOMPERS. It seems to me if that is not limited it is unlimited, unless my understanding of the ordinary use of language is entirely at fault.

Mr. CONNER. We had the bill before us, and we decided that we would let hearings run a while, and then decide——

Mr. GOMPERS. I have no knowledge of what the members of the committee had in mind. I am only governed by the facts which are apparent to all.

Mr. NORRIS. Now, Mr. Gompers, I think you are wrong in assuming, as I believe that you do, that all these newspaper statements that you speak of in regard to the constitution of the committee and writing to the Speaker and getting no answer, are true. I do not believe that there is anything in the statement that the Speaker had constituted the committee with reference to any particular legislation, and my reason for not believing that is—and I am a member of the committee myself—I know that neither directly nor indirectly, in any way, were my ideas or views or wishes consulted when I was placed on this committee. And there has been nothing in my life to indicate, if the Speaker knew about it—and I do not suppose he did—but if he traced it from the time I left the cradle he would never find anything that indicated that I was opposed to labor. On the other hand, I appeared myself the other day several times before another committee in this House in the interests of labor, when Judge Payson was there in opposition to the very bill that I was advocating, and I know that as far as I am concerned there could not possibly have been anything to indicate, when the Speaker put me on this committee, that he was blocking labor legislation. But I am on the committee. I have not been on before. I want to vote on this proposition intelligently, and when I do vote I am going to vote as I believe to be right, and I am going to get what light I can.

Now, it seems to me that you are unreasonable when you demand now that I, coming before this proposition which is admitted to be a great one, should cast my vote without an opportunity to give the matter the consideration that I believe it ought to have. You referred to the fact that there are not many members of the committee present. It is very likely true that many of the members of the committee, having heard all these arguments and having read all the evidence, are prepared to vote. But I was not. I think there are other members of the committee that felt that way. It may be unfortunate that it is late and it may take some time, but that is one of the things in all branches of legislation and in every department of life that we have got to meet, and as far as I am concerned I want to get all the information I can in the best of faith from either side or from any source that has any bearing on this proposition, and I want to get all that there is if it takes ten minutes or ten days, as far as I am personally concerned, and I think that the committee have shown here by their willingness to meet every other day and to take these hearings up that they are ready to hear the evidence, and when the evidence is all in I am going to be ready, and I have an idea that the committee will be, to vote their sentiments, whatever they may be.

And I do not like to have anyone intimate now—it must apply to me and to the other members of the committee who have recently been placed on the committee here—that we have been put on the committee for the purpose of blocking such legislation. If the Speaker had any

such idea in his mind—while it is foolish to think that he had—there is no reason to think it, yet if he did have, it was based on absolutely no ground whatever, and could not have been.

Mr. PAYSON. Mr. Chairman——

Mr. GOMPERS. Mr. Payson wanted to ask me a question.

Mr. PAYSON. I want to ask what your authority was for assuming to believe that this committee was made up by the Speaker in such a way that no legislation would come from it? You said "some correspondent." I wanted to ask you who it was.

Mr. GOMPERS. When you show me your credentials from Mr. Cannon that you are his spokesman I will answer you.

Mr. PAYSON. Mr. Chairman, how much of this is outside of the matters before this committee? What warrant is there, when there is a hearing of this committee to hear in a patient way a respectful presentation of the claims of $100,000,000 invested in laudable enterprises, with 100,000 employees, satisfied with their condition, a simple statement of what they expect to show, to call forth the diatribe that we have had in the last fifteen minutes? I feel personally called upon to respond, because it has been stated here that there is nothing in good faith except what these gentlemen choose to demand. We have been here in good faith for the last eight years. What is there to show that we are not here in good faith? Are the interests of my clients committed to my hands, to my care, interests of this character, involving millions of dollars of capital and the employment of thousands of men, to be disregarded, and am I to say that what Mr. Gompers says is to be the law of the land, and am I to be intimidated in the performance of my duty in this manner? No man in this House has ever criticised me for undertaking to delay action. Now, let me call your attention to a fact or two. There has never been a minute, Mr. Gompers, since this Congress met, that the chairman of this committee would not have convened it at your request, not a minute, and if there ever has been such a minute I challenge the chairman of this committee to answer now and here whether I do not assert the truth about it.

Mr. Sulzer introduced a bill the second day of this Congress which is substantially the Gardner bill, and you have allowed five long months to intervene before you have approached the chairman of this committee, five long months after the introduction of that measure, without asking the chairman of this committee to call a session for any purpose; and then, when it was called, after the lapse of more than five months, what was the statement made to us, representing these interests? We got a polite notice, as we always do, from the chairman and his clerk that on a given day a meeting would be had for "hearings upon the eight-hour bill," and we came here, and what was the statement that was made to us? Made by the chairman, and if I may tell this, Mr. Chairman, I will be very glad to be corrected if I am wrong, that the chairman of the committee had called a meeting not for the purpose of formal hearings upon this bill, but at the request of Mr. Gompers, who desired to make the acquaintance of members of this committee, very many of them being new, and he not being acquainted with them; that he desired to make their acquaintance and to make some observations; not to project here a demand that this bill be considered, be reported at once, without consideration. That was what we were called here for, if we chose—

to listen to a formal introduction of Mr. Gompers, as the chairman of the American Federation of Labor, to the new members of this committee. Well, we came here, and an hour and a half or an hour and three-quarters was occupied by the gentleman at the head of organized labor. You all remember what his argument was, what his statements were, and it concluded with a practical demand upon this committee, a practical demand "that the bill be reported now." He said it was useless to continue this business, and all that sort of thing.

I can tell you, Mr. Chairman, why it was that this delay occurred, and the gentleman, Mr. Gompers, will not deny it. He believed that he could secure, in other ways than by hearings before this committee, favorable action upon what are termed "labor bills." I propose to speak a little plainly here now. He proposed to do it by reading the riot act to the President of the United States and to the Speaker of the House of Representatives and to the Vice-President of the United States, and threatening them with a political revolution if their wishes were not acceded to, the defeat of the Republican party by so-called "organized labor." It is public property and general notoriety as to what was done on that occasion. Very properly the President of the United States gave him a snub. Very properly the Speaker of the House of Representatives gave him another. Very properly the Vice-President of the United States treated it as it deserved—with silent contempt. And now the gentleman comes in here and undertakes to read the riot act to you by quoting an unnamed correspondent, who represents a paper which may be responsible or may not; but I do not care who it is, it is an insult to this committee to say that this committee was put up and organized by Speaker Cannon as adverse to the interests of labor. Mr. Cannon never saw the day that he would listen to an intimation of that character. I have known the Speaker since my boyhood. He has lived in the adjoining district to me. He needs no indorsement here; his position is secure; and no insinuation from a newspaper correspondent or the president of the American Federation of Labor will weaken him in his position in the hearts of the American people. I know how they feel toward Joe Cannon.

Mr. GOMPERS. Will you permit an interruption?

Mr. PAYSON. No; I will not permit an interruption. I want to say a few words, and I will say them, if the committee will hear me.

Mr. GOMPERS. Oh, very well.

Mr. PAYSON. It is well known how the Democratic membership of this committee was secured. The Speaker had no more to do with the individual membership than I did. Everybody knows that it was given out by the Speaker that the minority membership would be through the hands of the chosen leader of the minority, Mr. Williams, of Mississippi, and if anybody has been putting up a job on Mr. Gompers in regard to the Democratic membership of this committee, it is the minority leader who is guilty of it. But who harbors that thought? Who believes it? Nobody. And yet, because of this "irritating delay on the part of the committee in taking up and reporting this bill," the gentleman chafes. How much time has been occupied this Congress by the consideration of this bill? By actual time of the clock it has had less than an hour. Nearly six

months had gone by before you asked for anything to be done with reference to it.

Then, again, the changes are rung here, Mr. Chairman, again to-day, that they are "tired of this thing," "that this thing has gone far enough." What thing? What thing? The orderly consideration, under the oaths, the oaths which you gentlemen have taken, each Representative of a constituency at home, to legislate for this great nation according to your best judgment as to what is right. The gentleman is pleased to say that "labor bills must be reported" and "labor must have what it demands." Some things that labor demands of this Congress would not be believed if they were told, if Congress were not in session. May I state one or two? And my friend Mr. Norris, and I am very glad to call him my friend, will bear me out. There is a bill now pending in the Committee on Interstate and Foreign Commerce which has grown out of a bill which he and I had the honor of discussion not very long ago before the committee, introduced by Mr. Esch, of Wisconsin, prepared, as I know, by the representatives of organized labor, written by them and prepared by them, and introduced by request. What does it propose to do as to railway people? That if any man on a railroad train works more than the allotted period given in the bill, whether the employer knows it or not, whether he does it to get home to his family or not, if he works more than the allotted time his employer is subject to a fine of $1,000. You are familiar with the last Esch bill, are you not?

Mr. NORRIS. No, sir; I have not seen it.

Mr. GOMPERS. Was that advocated by any representative of the American Federation of Labor?

Mr. PAYSON. I say of organized labor. I say that Mr. Fuller is cheek by jowl with you in all this, and I do not use that in any offensive sense.

Mr. GOMPERS. That is an unjust proposition in any sense you put it.

Mr. PAYSON. If there has ever been a place that Mr. Fuller has not been on your side in the last eight years I have not heard of it. He assumes to represent organized labor, the railway employees of the country, and I have never heard it questioned that he does so, and I say that that bill was prepared by him and those he represents, and written by them and given out. I know what I am talking about in some of these things. I am not here representing these interests that I represent without knowing a little of what is going on.

Now, would any gentleman come here and say that a bill that was confessedly unjust ought to be passed by Congress because Mr. Gompers wants it done? How are you to ascertain whether the bill is intemperate in its terms and unjust in its provisions? You can only ascertain what it is by examination of conditions. As I have said, and intend to say again if I have the opportunity, the shipbuilding interests of this country are jeopardized to an extent—and let me measure my words when I say it—are jeopardized to such an extent that if all Government work were taken out of the private shipyards and if this bill should become a law there is hardly a shipyard in this country that would not be in the hands of a receiver, unless it had private capital behind it, within the next year, except,

possibly, our own. It is only proper that I should say, when I make an exception of our own shipyard, why that should be. This shipyard was a pet enterprise of Collis P. Huntington, who was worth many millions of dollars, and his surviving relatives are interested in keeping up this property, and no matter whether it pays dividends or not, no matter whether it makes money or loses money, Henry Huntington and Mrs. Huntington will see that that shipyard runs as long as they live, and they have millions of outside capital to keep it going.

No industry is at so low an ebb as the shipbuilding industry is to-day outside of Government work. Coming back to this question, we come before you and ask a little time, Mr. Chairman, particularly for the benefit of the new members of the committee, that you will give us a fair deal with reference to it, and these gentlemen who have the honor to be upon this committee say, as Mr. Norris has said to-day, that under their oaths they do not propose to vote upon this matter until they understand some of the matters upon which this legislation is based. They propose to so understand them; and we do not ask this time for the sake of delay. I have under my hand a digest of what I propose to offer, with the book and page referred to, on behalf of the industry which I represent before this committee; and yet it is said that we are delaying matters as we have delayed them before, and that procrastination is all that we want. We have never asked it. What we want is a square deal before this committee, and we expect to get it, and if we do not get it it will not be because we do not ask it and in a practical way, and we will never get it by coming before you and threatening that we will vote you out of office if you do not give it to us.

Now, as to Speaker Cannon making up the membership of this committee. I happen to have been a member of the House for ten years, and I think I appreciate fully the dignity of that position. Mr. Gompers says that Mr. Cannon did not answer the letter which he wrote to him. The reason is apparent. If Mr. Gompers wrote such a letter—and he did, because he says so—if he wrote that sort of a letter, representing the interests of the American Federation of Labor with reference to the make-up of this committee, he was guilty of an impertinence such that the mere omission to answer his letter was not a sufficient punishment. He ought to have received a letter from Mr. Cannon denouncing his impertinence. The bankers, we will suppose, are interested in the legislation that comes from the Committee on Banking and Currency, and suppose the president of the American Bankers' Association should direct such a letter to the Speaker of the House, practically directing the make-up of the Committee on Banking and Currency. That would be——

Mr. GOMPERS. They are not so candid or frank.

Mr. PAYSON. I do not know what you mean by that.

Mr. GOMPERS. I can not help that. That is not my fault.

Mr. PAYSON. You should couch it in language that I can understand. I understand the English language fairly well. Nobody ever accused me of not being able to understand.

These bankers did not do that. If they did it, it would be an impertinence. Suppose that my clients and the other shipbuilding firms in the United States should undertake to direct the Speaker of the House in the organization and complexion of the Committee on

Naval Affairs, because they are interested in ten or fifteen million dollars' worth of contracts on naval work. That would be an act of impertinence on the part of any man who would do it, outside of organized labor, and no less a one on its part than it would be on the part of the bankers or the shipbuilders. These gentlemen have no more rights here than other people. They have the same, but no more. To come into this committee and undertake to overawe it in this way—because that is what it is, for to say that "this thing has gone far enough," and to say that in regard to this matter that he doubts whether he will appear further on the committee—is inexcusable. I am always delighted to have Mr. Gompers here. He adds variety to the exercises, and I am always pleased to see him here; but I venture to say that if Mr. Gompers should fail to let the light of his countenance shine through the door every time there is a meeting here the meetings would not be suspended. I guess business would be transacted at the old stand on the old terms. I venture to say that that is so. But, Mr. Chairman, I have gone outside of what my duty was simply as an attorney here in this case in making some suggestions as to the general situation; but it did seem to me, knowing the interests I had in hand and knowing the belief of my own people as to this, that it means the ruin of one of the best industries in the country, that I should make—I have felt impelled to make—this statement.

Mr. GOMPERS. I am made duly meek by the denunciation of Judge Payson, but in all meekness here I want to say that there is nothing I have said here or elsewhere that I want to qualify or modify in the least. Of course it was a great offense on the part of myself to have written to the Speaker of the House of Representatives calling his attention to the fact that open, direct statements were made by a correspondent of a responsible paper that the committee was constituted to prevent a certain class of legislation, and it was a very heinous offense to ask that if this was so, in his committee for the following Congress it might be somewhat fairer and more sympathetic.

Mr. PAYSON. Did you believe that for a moment?

Mr. GOMPERS. Please do not interrupt me. I did not interrupt you.

Mr. PAYSON. Did you believe that when you wrote it?

Mr. GOMPERS. Yes, sir; I did.

Mr. PAYSON. Did you believe it when you said it?

Mr. GOMPERS. Yes; I did. I did believe it. Is that plain enough?

Mr. PAYSON. Yes; yes.

Mr. GOMPERS. If I did not, I would not have said it.

Mr. PAYSON. Yes; that is right.

Mr. GOMPERS. I would not say a thing that I did not believe.

Mr. PAYSON. That is right; and you call your letter to the Speaker, conveying that intimation or charge, respectful.

Mr. GOMPERS. A statement was made by Judge Payson as to the hideousness of the fact that any interests should seek to influence, either directly or indirectly, the Speaker of the House of Representatives in the make-up of a committee. Perish the thought! It is only a great offense when a representative of labor respectfully addresses the Speaker of the House of Representatives upon this subject and makes a request.

Much has been made here——

Mr. CONNER. Mr. Gompers, it makes me feel uncomfortable for you to come here and say that you believe that the Speaker of the House of Representatives put up the committee. I may be the fellow that you are hinting at. But I do not believe that it is true of myself. I do not think there is anything in my life that the Speaker could have gotten hold of that would make him believe that I was a good member to put on here to prevent legislation. I was raised as a laboring man, and spent my life until I was of age as a laborer, and certainly there is nothing in it that would make the Speaker select me as a member of this committee for the purpose you suggest. But what I object to is to have you come here, and I do not care whether you say it frankly and modestly or otherwise, to have you still make the charge against us that we are organized here by the Speaker to prevent proper legislation. The charge some way does not set well on me.

Mr. GOMPERS. I said that I called the attention of the Speaker to the statement that was published in a Chicago paper from a Washington correspondent, and that I said to him: "If this be true, I sincerely hope that in the make-up of the next Committee on Labor of the House the membership will be more fairly or sympathetically composed"—I do not remember the exact language I used—"toward the reasonable and just requests which labor makes for legislation and relief." I have not said anything in reference to this committee other than what I have said this morning, that the committee has, wittingly or unwittingly, and I do not know which, and I have no right to say which, lent itself to carrying out the policy of procrastination and delay in regard to this legislation. I have no knowledge of what the members of this committee have in mind. Much has been said as though one had committed a very grave offense when I have said, and other representatives of labor have said, that we want this legislation; we want relief from the present conditions, and say that unless we obtain that relief we shall endeavor to exercise our sovereign right as American citizens and vote for some one else, and as if that was some very great and unlawful and unwarranted act. Why, the ballot in itself, in the hands of the American citizen, is a threat, or the means to carry out a threat, if you please.

I am free to say that the workingmen, most of those employed by the shipbuilding company of which Judge Payson is the attorney, would only be too glad if the eight-hour bill were enacted into law. The idea of saying that the representative workmen or the workmen anywhere do not want the eight-hour law and are satisfied with the hours and conditions and wages of the employment. He omits to call attention to the resolution adopted by the workmen in Bethlehem three years ago, a resolution passed unanimously in favor of the eight-hour bill then pending, and that resolution transmitted to this committee and incorporated in the hearings. The idea of saying that the workingmen do not want—well, I do not want to say anything further just now.

Mr. CONNER. I move that we adjourn until Tuesday at 10.30 o'clock.

The motion was seconded; and thereupon the committee adjourned until Tuesday, May 22, 1906, at 10.30 o'clock a. m.

COMMITTEE ON LABOR, HOUSE OF REPRESENTATIVES,
Tuesday, May 22, 1906.

The committee met at 11 o'clock a. m., Hon. John J. Gardner (chairman) in the chair.

STATEMENT OF MR. JAMES H. HAYDEN, ATTORNEY FOR THE CARNEGIE STEEL COMPANY.

Mr. HAYDEN. Mr. Chairman and gentlemen, as I stated at the last hearing of the committee, I desire an opportunity to outline the case that we shall hope to make in opposition to the bill. The bill under consideration is practically identical with H. R. 6882, Fifty-sixth Congress, first session, and absolutely identical with H. R. 3076, of the Fifty-seventh Congress, first session.

Mr. STANLEY. If you will excuse me, I was not here at the former hearings, and I want to get my bearings.

The CHAIRMAN. Judge Payson occupied the attention of the committee at the last session, outlining the situation, submitting the propositions that they proposed to discuss, and taking up the history of the several bills and showing wherein they differed and to what extent the present bill or the old bill differs from the bill in the Fifty-eighth Congress, or, in other words, how far the bill in the Fifty-eighth Congress had been modified by amendments from the sweep (for want of a better word) of the older bill in the present bill.

Mr. STANLEY. The gentleman now addressing us——

The CHAIRMAN. Mr. Hayden.

Mr. STANLEY. Represents whom?

Mr. HAYDEN. I represent the Carnegie Steel Company and other interests. I intend to outline the case that we expect to make in very much the same way that Judge Payson did. I shall avoid repeating matters that he discussed, but representing a different line of manufactures and industries, I shall touch upon points somewhat different.

Mr. HUNT. Would you name some of those for whom you appear here?

Mr. HAYDEN. At the present time I prefer not to, but shall later.

Mr. HUNT. Then you will confine yourself for the present——

Mr. HAYDEN. To the interests of the Carnegie Steel Company. Mr. Chairman and gentlemen, this bill is not new to this committee. That is to say, the Committee on Labor of the Fifty-sixth and Fifty-seventh Congresses considered it, but that was a long time ago—in the winter of 1899–1900 and the winter of 1901–2. The bill which is freshest in the recollection of those who may be termed the old members of the committee is the Hitt-McComas bill, which was taken up by this committee and that of the Senate in the winter of 1903–4. It seems to me inconceivable that those who were members of this committee in the Fifty-sixth and Fifty-seventh Congresses can have preserved a clear recollection of all the evidence and statements that were submitted both for and in opposition to the bill now under consideration, and it is very clear to me that it would be a bewildering task for a gentleman who was not then a member of the committee and who has not heard statements indicating the issues.

between the parties to take up the record of which these four volumes constitute a fragment [indicating hearings] and familiarize himself with the facts, learn what the bill means, and determine what would be its effect upon the industries of the country. Therefore my aim will be to refresh the recollection of the old members of the committee and to lay before the new members, in the most concrete form, material parts of the statements that were made. So far as possible I shall use the records of this committee and those of the Senate committee, but where I find that the evidence is defective or that new evidence has been found I shall offer it in the form of authenticated documents or depositions of witnesses. It will rest with this committee to say at any time that it considers a certain line of evidence immaterial or that it is purely redundant, and that it can not devote time to that matter. That right the committee reserves, and I shall not trespass upon the committee's time.

The questions presented by this bill are of vast importance from the standpoint of economics and expediency, but more than all else because they deal with the power of Congress to curtail the liberties and proprietary rights of the citizens of the United States, guaranteed to them by the Constitution, these being natural rights inherent in all freemen, whereby they may dispose of their energies, their time, and their property as they see fit, limited only to this extent, that they must so use what is theirs as not to invade the rights of others. The bill under consideration provides for the imposition of penalties upon any person having a contract of a certain kind with the United States, or with a Territory or the District of Columbia, and who shall require any mechanic or laborer in his employ to work more than eight hours in any day, if in the course of that day the laborer for a moment attends to work being done in the performance of a contract for the Government; that is to say, if a manufacturer employing several thousand men has one in his employ who for five minutes, without his knowledge, performs work on a Government contract and afterwards works for seven hours and fifty-six minutes on purely private work, that employer is to be liable for a penalty.

Mr. STANLEY. I did not catch that last.

Mr. HAYDEN. Under this bill now before you the limit of time that any laborer or mechanic may work in a day is eight hours, provided that in the course of that eight hours he shall for any time whatever do anything connected with the performance of work being done under a Government contract. He may work under the Government contract for only five minutes, but if at the end of that five minutes, or in addition to it, he works for seven hours and fifty-six minutes in the employ of the contractor on purely private work he makes his employer liable to fine.

Mr. STANLEY. That is, if he works on private work after he gets through with the Government work?

Mr. HAYDEN. Yes; that is what this bill provides. The Hitt-McComas bill did not so provide.

Mr. STANLEY. Will you point me to that section?

Mr. HAYDEN. Yes, sir; with pleasure. This is from the present bill, beginning with the third line on the first page:

> That each and every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States or any Territory or said District, which

may require or involve the employment of laborers or mechanics, shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day.

That is, any laborer doing any part of work required to perform a Government contract must not work in any manner more than eight hours a day.

Mr. NORRIS. I think that is conceded.

Mr. HAYDEN. Yes.

Mr. STANLEY. That is, any work; he can not work more than eight hours?

Mr. NORRIS. Yes.

Mr. STANLEY. That is your understanding of that, Mr. Chairman?

The CHAIRMAN. Yes; there never was any doubt about that. If he could do work for five minutes over the eight hours, he could work five hours over it, and if he could work five hours over it he could work eight hours over it.

Mr. STANLEY. I am not objecting to it. That is a phase of the bill that I had not had my attention called to.

The CHAIRMAN. I am only mentioning it as the fair construction.

Mr. HAYDEN. The Hitt bill confined the limitation to work done in performance of Government contracts. After a provision like the one which I have just read it contained these words, "upon such work." That is to say, the laborer or mechanic could be required or permitted to work for eight hours on Government work and thereafter could be required or permitted to work as long as he pleased on private work. In that particular there is a marked difference between the two bills, and I shall have occasion to refer to that difference hereafter.

Again, if a laborer having worked for eight hours under the supervision of a contractor or his agents were dismissed for the day and thereafter did further work for himself or for a third party, the contractor would be subject to the penalty, for the bill not only forbids the contractor to compel his laborers or mechanics to work more than eight hours for him, but also compels him to see that they do not perform any more work under any circumstances. If the contractor dismisses the laborers from his employment and then they do work for some one else, the contractor becomes liable for penalty.

The CHAIRMAN. On that point I would differ with you, that the bill would go any longer than the employer had jurisdiction over the employee.

Mr. HAYDEN. But, Mr. Chairman, read the bill. If we are to take it as it is written, its meaning is as I have stated it. The employer is bound absolutely to see that the laborer works no more than eight hours in any one calendar day.

Mr. STANLEY. You are an attorney?

Mr. HAYDEN. Yes, sir.

Mr. STANLEY. The onus probandi would be on the Government, and it would be on the Government to show that it was done with his knowledge or procurement?

Mr. HAYDEN. I do not think so. Take another instance. Without the knowledge of the employer and without any order to do it a laborer in a large ironworks or a shipyard works five minutes on

Mr. STANLEY. Your inference, taking the reasonable construction as I see it, is that this word "permit" means to encourage or to receive the benefit of or to have done with his knowledge; that is the legal construction of the word?

Mr. NORRIS. I think so.

Mr. STANLEY. Are not your Carnegie steel shops—I believe Mr. Carnegie is no longer in the steel business?

Mr. HAYDEN. He has not been in active business for some years, sir.

Mr. STANLEY. Are not those works thoroughly organized? By that I mean do you not have your foremen and the like of that, over each piece of work?

Mr. HAYDEN. They are thoroughly organized; they have a perfect organization.

Mr. STANLEY. Every man works under a foreman?

Mr. HAYDEN. Yes, sir.

Mr. STANLEY. The average laborer does not work on his own hook, does he, anywhere?

Mr. HAYDEN. No.

Mr. STANLEY. Now, if after the eight hours are over a foreman orders his men to quit work on that particular job, is there any other place in a shipyard where a malicious laborer could go and work without the knowledge of the foreman in charge of the business?

Mr. HAYDEN. That is difficult to say. In a large shipyard it might be done.

Mr. STANLEY. Would not he have to get permission, in some way? Would not he be immediately observed and detected if he tried to go elsewhere and work after the time?

Mr. HAYDEN. Under the foreman he might work a few minutes overtime.

Mr. STANLEY. Should you not give notice to the foreman not to allow his men to work overtime?

Mr. HAYDEN. That might be done; but suppose a foreman should make a mistake; or suppose that he should not go to the man and make him stop work on the stroke of the clock, and the man should work for two or three minutes overtime—what would happen? The inspector would see the laborer work overtime and he would report that fact. The inspector is made the arbiter. There is no appeal from his decision and no opportunity to show the employer's lack of knowledge or absence of the intention to violate the law. The fact that the laborer has worked for more than eight hours would render the employer liable, and no court nor any official of the Government would be authorized to remit the fine.

Mr. STANLEY. Of course it is the universal theory of the law that ignorance of the law does not excuse.

Mr. HAYDEN. I am not referring to ignorance of the law, but ignorance of the fact that the laborer has worked overtime, when the employer could not have ascertained it by any means.

Mr. STANLEY. Would not that ignorance constitute a valid defense?

Mr. HAYDEN. No, sir.

Mr. STANLEY. And could the employer permit a thing of which he had no knowledge?

Mr. HAYDEN. Yes; I think this bill makes it his duty to know what each one of his laborers is doing, and to make him stop, using force if that should be necessary.

Mr. HUNT. Then this bill does away with all ordinary discretion such as involves the obedience to all law now upon the statute books?

Mr. HAYDEN. It seems so to me. The result of such a limitation would be that all of the larger firms of the country would withdraw from Government work. They would do that for the reason that they could not adopt the eight-hour rule and still compete in the domestic or foreign trade. They would abandon Government work altogether. Small firms that could make a living by taking nothing but Government work would doubtless do it, but they would be absolutely debarred from competition in general trade. I shall prove that to the satisfaction of the committee. The cost to the Government of everything that it consumes would be increased from 12½ to 25 per cent for everything that it bought. I can prove that as clearly as a general proposition of that kind is susceptible of proof. The extra cost to the Government would not be due to an extra charge added arbitrarily by the contractor, but would be due to the extra cost of production. I shall show you that in one of the mills of the Carnegie Steel Company a trial was made of the eight-hour limit for labor; that is to say, it worked three shifts of men during the twenty-four hours. Prior to that time it had been working two shifts, each working twelve hours. It was found after very careful test that the products of that factory were decreased under the eight-hour system by 20 per cent, although under both systems the mill was run throughout the twenty-four hours. The result proved that two men could do more work in twenty-four hours, working twelve hours each, than three men could do in twenty-four hours, each working eight hours. With the consent of the men, who were glad to resume the twelve-hour schedule and an equivalent scale of wages, that schedule was renewed, and the eight-hour day has never been resumed in the Carnegie works.

Mr. STANLEY. Do they work twelve hours now?

Mr. HAYDEN. That was an exceptional circumstance. I mentioned it because it was described by a witness who appeared before this committee some years ago, and at the proper time I shall read his testimony to the committee.

Here is another feature of the bill to which I object: It would make an inspector—a mere subordinate—the final arbiter as to whether a contractor had violated the eight-hour clause of his contract or not. Now, however drastic the Hitt-McComas bill would have been, and however much we were opposed to it, it did provide that whenever the contractor violated the eight-hour clause in his contract he might obtain a review of the inspector's ruling by the head of the Department making the contract, and, if still aggrieved, might have a review by the Court of Claims. This bill makes the inspector—a subordinate—the final arbiter, and leaves the contractor with no redress whatever. In fact, it forbids the head of an Executive Department to review the finding of the inspector and to remit or rebate the penalty imposed unless he investigates the question and finds as a matter of fact that the laborer did not work more than eight hours a day. Those are the only circumstances under which he can do it. Absolute innocence on the part of the employer, ignorance of the fact that his laborer or mechanic has worked more than eight hours, is no defense.

Here is another point: The present bill applies the eight-hour limitation to corporations and individuals engaged in the transmission of intelligence, such as telegraph companies, telephone companies, and wireless signaling companies. Such firms are classed as common carriers, and as such their obligations to the public are measured. There seems to be no reason why any privilege or discrimination made in favor of one common carrier should not be extended to all—why railroads should receive any further consideration from this committee than telegraph companies—and yet, whereas the Hitt-McComas bill excepted companies engaged in the transmission of intelligence from the operation of the eight-hour limitation, this bill does not except them.

Mr. STANLEY. They are not common carriers in that respect.

Mr. HAYDEN. I hold that they are common carriers and should be excepted from the eight-hour limit, if any common carrier is to be excepted. You will see at the bottom of page 2 of this bill, lines 21 to 25, this provision:

Nothing in this act shall apply to contracts for transportation by land or water, nor shall the provisions and stipulations in this act provided for affect so much of any contract as is to be performed by way of transportation.

The Hitt-McComas bill read as follows:

SEC. 2. That nothing in this act shall apply to contracts for transportation by land or water, or for the transmission of intelligence.

That excluded all common carriers.

Mr. STANLEY. Would the insertion of that, "or for the transmission of intelligence," in this bill materially affect your opposition to it?

Mr. HAYDEN. In behalf of one client. Of course every telegraph company in the country and the wireless signaling companies in this country would all be interested. But they do not know about the pendency of this bill. They do not know that they would be affected by its passage. They have had no opportunity to be heard.

Mr. HUNT. Are they among the other interests that you represent?

Mr. HAYDEN. I represent one wireless signaling company, which has not asked me to appear in its behalf before this committee, nor have I brought the bill to its attention; but I can see what the effect of the passage of the bill would be upon its work. It is supplying the Government with wireless apparatus, and hopes to do so in the future; but if this bill should be passed it would certainly withdraw from that field.

Mr. STANLEY. You think it might apply to the laborer in the making of the apparatus, but not to any laborer engaged in the signaling of intelligence from one point to another?

Mr. HAYDEN. I do not know why not. Suppose a station belonging to this company receives pay from the Government for receiving and transmitting messages to or from war vessels; it seems to me that the operator would be classed as a laborer or mechanic, and that if he were to work more than eight hours the company would be held liable for the penalty.

Mr. STANLEY. He would have to work continuously for more than eight hours in transmitting that intelligence before it would affect him.

Mr. HAYDEN. Not intelligence relating to Government work.

Mr. NORRIS. If he works more than eight hours in any one day for somebody.

Mr. HAYDEN. If he sent a message to a naval vessel that took him a minute, and then worked for eight hours on private messages, the company would be liable.

Another point to be considered will be the portion of the bill which provides for the exception from the general eight-hour limitation of contracts calling for the delivery of such material as may usually be bought in open market. Because of its uncertainty that clause is highly objectionable. Does anyone know precisely what it means? "Such material as may usually be bought in open market, whether made to conform to particular specifications or not."

Mr. NORRIS. I would like to call your attention to some remarks made by Judge Payson on that subject. He drew a distinction between the word "materials" and the word "articles."

Mr. HAYDEN. Yes.

Mr. NORRIS. Which, if his distinction was properly drawn, would be quite a material subject of consideration in this bill, it seems to me. He said, as I remember it, that "materials" was more of a general term, and applied to things out of which "articles" were made. I am not trying to quote him, but I think that I give his idea. For instance, the Government buying shoes for soldiers, we will say—he did not give this illustration, but to illustrate his idea I will give it, and I want to get your idea on the subject—those shoes would be called "articles" and not "materials." Hence they would not be in the exceptions in the bill. I presume if the Government contracted for leather out of which to make shoes, the leather would be classed as "materials."

Mr. HAYDEN. Yes; I think so without a doubt.

Mr. NORRIS. Is that your idea of the distinction there?

Mr. HAYDEN. I have not given careful consideration of that matter, and I should very much prefer to have Judge Payson discuss it when he resumes the floor.

Mr. NORRIS. He did discuss it to quite an extent.

Mr. HAYDEN. But I take up the matter in a somewhat different way, and shall proceed if you will permit me to.

Mr. NORRIS. All right.

Mr. HAYDEN. I do insist that with the possible exception of such things as coal, flour, and firewood the exception in the present bill would amount to nothing. No one would know what was expected from the eight-hour limitation and what was not. The only way in which any manufacturer could find out whether his product was such a material as might be ordinarily purchased in open market would be to wait until some one had been fined or some one had delivered materials of the same kind, not observing the eight-hour limitation, and had not been fined. You would have to make the test on each thing to see whether it was regarded as a material such as might ordinarily be purchased in open market. Take the case of buttons. Now, buttons, broadly speaking, can ordinarily be had in the open market, but a button carrying the crest of the United States, it is not a material such as can be ordinarily obtained in the open market. Suppose that a man contracts to deliver military buttons to the Government. Is that a material the manufacture of which would be affected by the eight-hour limitation or not?

The CHAIRMAN. Excuse me, I do not want to interrupt you——

Mr. HAYDEN. I am very glad to have you do so, sir.

The CHAIRMAN (continuing). But, that we may keep clear, that precise point was discussed here three or four Congresses ago at great length, so that all subsequent bills, and that bill, carried the added phrase "whether made to conform to particular specifications or not."

Mr. HAYDEN. Yes; I have read the whole clause, and I am conscious of that. Now, let us take another case. Ships may be chartered and may be bought in open market any day, but not battle ships. Would a contract for a battle ship be one for material such as might ordinarily be purchased in open market differing from others simply because she conforms to specifications prescribed by the Navy Department? Now, what, in principle, is the difference between a military button and a battle ship?

The CHAIRMAN. A military button is like all other buttons. A battle ship is a peculiar thing. I do not think this question arises under this bill, but that question arises under the McComas bill.

Mr. HAYDEN. I think, sir, it arises under both bills. I think the McComas bill is very obscure.

The CHAIRMAN. We admit that the ship is an article, but hardly that she is material.

Mr. HUNT. Battle ships are not usually kept in stock.

Mr. HAYDEN. Military buttons are not.

Mr. HUNT. I say battle ships are not kept in stock.

Mr. HAYDEN. Military buttons are not, either.

Mr. HUNT. In stock?

Mr. HAYDEN. They may be, by accident.

Mr. HUNT. Yes.

Mr. HAYDEN. But you would hardly expect to find them so kept.

Mr. HUNT. I am a regular landlubber myself, and I do not know anything about it.

Mr. HAYDEN. I mean that ships can be chartered or bought at the New York Maritime Exchange any day, if you want to go there and buy one or charter one. A battle ship is only one type of ship, just as a military button is only a particular type of button. Now, why is not a contract for a battle ship a contract for material such as may be ordinarily obtained in open market? A ship may more properly be termed an article than material, but take an example among things ordinarily classed as material; take a gun. A gun is classed as material. Military rifles are kept in stock to a certain extent——

Mr. GOMPERS. May I ask you a question there?

Mr. HAYDEN. Yes, sir.

Mr. GOMPERS. If a battle ship and a gun may be regarded as material and held in stock and can be bought in the open market, and need not conform to the provisions of the eight-hour law as contemplated by this bill, where does your opposition come in?

Mr. HAYDEN. I believe they both would be governed by the proposed eight-hour limitation. I am not arguing that they would not be. The clause is so uncertain and indefinite that every contractor and Government official would be embarrassed and no one would know where he stood. The provisions should be made definite and explicit. This bill should express what its advocates really want—that is,

provide an eight-hour limitation for the construction of vessels for the Navy or war material, because it is at those interests alone that the advocates of the measure are aiming their blow. I do believe that, with the exception of such commodities as flour and coal and firewood, the eight-hour limitation would apply to every contract made by the Government. I can not say whether those affected would aggregate 90 or 99 per cent of all the contracts let, but the aggregate of them would be a very large percentage of the whole. Here is an instance showing the uncertainty clause. At a hearing before the Senate committee on the Hitt-McComas bill a manufacturer of dynamos appeared protesting against its passage. The chairman, after learning of the man's business and the nature of his product, told him that the bill would not apply to him; that he would come under the exception, his dynamos being materials or articles such as might ordinarily be obtained in open market. Now, as a matter of fact that man made various kinds of dynamos, some of them adapted for use in merchant vessels and some peculiarly designed for naval vessels. That man went away reassured and happy, but I submit that he was misled. He made dynamos for naval vessels under subcontracts with the firms having contracts to deliver the vessels, and had the bill passed he unquestionably would have been held to be a subcontractor, and as such he would have been governed by the eight-hour limitation.

That was the advice given him by the chairman of the committee, who now occupies a prominent position on the United States bench, and the advice, I think, was clearly wrong.

The emergency clause of this bill, found on the third page, lines 6 to 9, is this:

> No penalties shall be exacted for violations of such provisions due to extraordinary emergency caused by fire or flood, or due to danger to life or loss to property.

The only emergencies there specified are those caused by fire or flood, or where human life is in danger, or where there has been a loss of property, perhaps necessitating overtime work to save the wreckage. There is no recognition of emergencies necessitating overtime work necessary to save property. The committee must appreciate that in the performance of a great work such as the construction of a battle ship, and notably at the time of her launching, there must be many emergencies when, if men were compelled to desist on the stroke of the clock, property worth millions of dollars would be imperiled and damaged or perhaps destroyed; and yet the inspector would not be allowed to declare that an emergency. Again, I shall show that in the manufacture of steel or forgings or armor plate there are many occasions when, in order to render it possible to obtain a product meeting the requirements of a contract, skilled laborers or mechanics must remain on duty until a result has been attained. The work of these men is measured by results, not by hours. Unlike common laborers employed to shovel dirt or carry bricks, you can not substitute a new man for the man actually engaged in the performance of that work.

Mr. CONNER. Can you give some instances of where you can not substitute men to do the work that is being done?

Mr. HAYDEN. I shall read to the committee in due course the testimony of experts who showed that when conducting what is known

as a heat of steel it is not possible for the man in charge to be relieved until the heat is completed. The length of time that he must stand on duty varies. Sometimes his result is accomplished within eight hours, or perhaps less. Sometimes it may be nearly double that. But the man who has conducted the operation from the start must stay at his post and watch it to the end in order to get a proper result and avoid risk of losing all of the material. That will be clearly brought out by a deposition which I shall read to the committee.

Mr. NORRIS. It seems to me that on that point it may be impossible to avoid it, but it seems to me that the difficulty will come oftener from the determination as to whether there has been an extraordinary emergency, as provided for in the bill, to determine whether there has been such an emergency, but whereas the liability to the penalty would be a question of fact upon which men might honestly disagree. It seems to me that that difficulty——

Mr. HAYDEN. Is not that a serious one, sir?

Mr. NORRIS (continuing). It is the most serious one connected with this provision.

Mr. HAYDEN. But you see this bill does not provide for any business or industrial emergencies designed to save property from loss or damage. I do not know what the last exception is intended to cover, but it reads, "due to danger to life or loss of property."

Mr. HUNT. That emergency that you just cited, with reference to the heat in the manufacture of steel. Would not that involve a loss of property?

Mr. HAYDEN. The bill does not provide for such an emergency, but only an emergency that occurs after the property has been lost. That is the language of the bill; perhaps it is designed to cover work necessary to save wreckage. But a loss of property must have occurred before an emergency, mentioned in this bill, can be declared and relieve the contractor from the eight-hour limitation.

In due course I shall submit to the committee the proposition that the present bill contemplates an unconstitutional and unwarranted invasion of private rights and liberties. That matter has been discussed in this committee heretofore, but I want to summarize the arguments which have been made and to repeat them for the benefit of the new members.

Eight-hour bills have been considered all over the United States, and there is very considerable conflict among the decisions, due to the fact that the laws are not uniform. Here, in the Supreme Court of the United States, we have no definite ruling on the right of Congress to invade purely private work and fix a limitation upon the hours of labor, but we have dictum to the effect that that question presents a very, very serious constitutional problem. It appears in the opinion of Mr. Justice Harlan, in the case of Atkin *v.* Kansas (191 U. S., 207). There was drawn in question a statute of the State of Kansas providing that eight hours should be the limit of a day's work for any laborer in the employ of a person having a contract with the State or any municipality, and forbidding such employers to bargain for a longer term of daily service. In this case considered, a contractor had made an agreement with a laborer to work ten hours daily on a public street. The Supreme Court held that the Kansas statute was valid, as applied to work on public

streets—that is, to public works—but it limited the effect of its decision right there, Mr. Justice Harlan saying:

> No question arises here as to the power of the State, consistently with the Federal Constitution, to make it a criminal offense for an employer in purely private work, in which the public has no concern, to limit or require his employees to perform daily labor in excess of the prescribed number of hours.
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> * * * * * * *
>
> We rest our decision upon the broad ground that the work, being of a public character, absolutely under the control of the State and its municipal agents, acting by its authority, it is for the State to prescribe the conditions under which it will permit work of that kind to be done. Its action touching such a matter is final, so long as it does not, by its regulations, infringe the personal rights of others, but that has not been done.

I shall contend that work done by a person having a contract with the Government to deliver to it a chattel—be it a gun, a battle ship, a pair of shoes, or a button—is not Government work. His bargain is to deliver a chattel meeting certain requirements, and the Government has no interest in his work or in his product until it has been completed and delivered and accepted. In that I am borne out by the opinion of the Supreme Court in the case of Clarkson *v.* Stevens (160 U. S., 505).

Mr. PAYSON. That was a ship contract, was it not?

Mr. HAYDEN. It was a contract for the construction of a naval vessel. The Government required the contractor to give bond to deliver the ship in due course and meeting certain requirements, and it paid for her in installments, as the work progressed. Before any material went into the ship, and as work was done on the ship it was passed and preliminarily accepted. The question was, Did the partially completed ship belong to the Government or did she belong to the contractor? The Supreme Court said that she belonged to the contractor.

Mr. HUNT. Was that the case that we read of in the newspapers some years ago, where a contractor sought to retain control of a vessel built under contract, and the Government official went aboard that vessel and took possession of it?

Mr. HAYDEN. Oh, no, sir.

Mr. HUNT. If I remember rightly. I only speak from memory——

Mr. HAYDEN. No, sir; the case of which I speak grew out of a contract let in the early sixties.

Mr. HUNT. Of course I only speak from memory.

Mr. PAYSON. That was another ship. It was a ship contracted to be built by the Triggs, at Richmond.

Mr. HAYDEN. Yes; and the Crescent Shipyard, too.

Mr. HUNT. Judge Payson, you probably know more about this than I do. I would like to get this only for my own information. In listening to the gentleman, speaking as to his train of thought, I believe that this officer did take possession of the vessel.

Mr. PAYSON. That did not go into the courts. That was settled between the parties themselves. Pending the construction of the vessel, the elder Trigg died, and then it was sought to compel the concern to go into bankruptcy, and the Federal officers came in and said that they had a right to take the ship and have it completed at the yard, and the creditors insisted that they had a right over here, and that they could reach her under the bankruptcy law; but the matter was finally adjusted between them.

Mr. HUNT. The Government maintained its position under the contract?

Mr. PAYSON. The Government maintained its position, and the ship was completed in the Norfolk Navy-Yard.

Mr. GOMPERS. Is not this a fact in connection with that very case, that either the creditors or the contractors contemplated selling that vessel to a foreign government, and that the authorities of the United States stepped in and claimed that it had the prior claim?

Mr. PAYSON. That was not this case.

Mr. HAYDEN. I do not think that question arose.

The CHAIRMAN. That would have been on the ground that the Government had an interest in her on account of having paid the money.

Mr. HAYDEN. The Supreme Court of the United States has never passed on that question, where installments have been paid by the Government, except in that case of Clarkson *v.* Stevens, and in principle that decision applies to contracts for the manufacture of all sorts of chattels.

Mr. PAYSON. In connection with that part of your argument to the committee, it might not be improper for you here to suggest what you know as well as I—that to cover the question of payment in installments by the Government, the contractor has to put up an immense bond in the first instance.

Mr. HAYDEN. Oh, yes.

Mr. PAYSON. Which bond is conditioned for the repayment of these advances in case that the ship shall not be finally accepted.

Mr. HAYDEN. Yes, sir.

Mr. PAYSON. That should be stated here.

Mr. HAYDEN. That was a material consideration with the Supreme Court in disposing of the case of Clarkson *v.* Stevens. It found, in the requirement that such a bond be given, expression of the parties' intention that an amount equal to the installments paid should be returned if the vessel were not completed in accordance with the contract. It supported the conclusion that the uncompleted vessel did remain the property of the contractor. That proposition I shall argue at length hereafter.

The CHAIRMAN. Would you state just what, if any, distinction you make between a pair of shoes, which you say that the Government has no interest in until completion and inspection and delivery, and a public building?

Mr. HAYDEN. A public building is affixed to the soil.

The CHAIRMAN. Admitting that the building is being erected on soil owned by the Government?

Mr. HAYDEN. It is affixed to soil which belong to the Government, and under one of the oldest legal maxims a building passes to and becomes the property of the owner of the soil as work thereon progresses. Every stone set in place belongs to the Government prior to the completion and acceptance of the building; but work done in the manufacture of a chattel is not done for the Government. The contractor is working for himself. The Government's right is a personal one against the contractor. He is obligated to deliver the chattel in accordance with his bargain and the work done by him is private. Work done on a public street, as Judge Harlan said, is a public matter, and one that it may regulate as it

pleases; but when you attempt to invade private establishments and say how private work shall be done, then I submit that Congress would be invading the rights guaranteed to citizens of this country by the Constitution and the rights which naturally belong to free men.

The CHAIRMAN. Is there any other gentleman present who desires to go on further this morning?

Mr. CONNER. We have reached that point now, have we not, where the taking of evidence should begin?

Mr. DAVENPORT. Mr. Chairman, I wish to be heard, and to be heard at some length, but I had supposed that to-day these gentlemen would occupy the time. I have been under the weather. If you could let me begin on the opening of the next day I would be glad of it.

Mr. CONNER. You wish to be heard preliminary to the introduction of the evidence?

Mr. DAVENPORT. I propose when I begin to put in a very large amount of evidence; but it will not be in the way of oral testimony for the present.

The CHAIRMAN. You are not ready to go on now?

Mr. DAVENPORT. I would like to begin at the beginning of the session.

Mr. STANLEY. Could you begin now and take up the first half hour or so, and then resume again?

Mr. DAVENPORT. I would prefer to begin at the beginning of a session.

Mr. HUNT. Is there anyone else here who would care to be heard before the committee?

Mr. NEWCOMB. I would ask permission to make a brief statement on behalf of the Delaware and Hudson Company.

STATEMENT OF MR. H. T. NEWCOMB, ATTORNEY, OF WASHINGTON, D. C., REPRESENTING THE DELAWARE AND HUDSON COMPANY.

Mr. NEWCOMB. Mr. Chairman and gentlemen, it seems to me that it is very unfortunate that anyone should be here asking you to evade by an act of Congress the constitutional guarantee of the liberty of every individual. I shall not say that this proposed bill does not successfully evade the protection which the Constitution gives to the liberty of those who choose to labor on terms satisfactory to themselves, but I believe there will be no one who will deny that it is an attempt to evade that provision.

Mr. STANLEY. What specific provision do you refer to?

Mr. NEWCOMB. The fifth amendment, that no one shall be denied liberty without due process of law. That does guarantee to every man who wishes to labor—anyone except perhaps those in the employ of the Government—the right, if he is an adult and if he wishes to labor in a healthful occupation, a safe and healthful occupation, the right to work as many hours as he chooses to work, and for such price as he chooses to sell his labor for.

Now, it is proposed, because the Government is an employer, and because it ought to be a fair and perhaps a generous employer, to make use of these relations with a certain class of industries, to compel, not merely the men who work for the Government exclusively, but to compel everybody to observe the eight-hour day. It

is proposed to impose upon all the people of this country an eight-hour day. If an eight-hour day is a good thing and ought to be established, there is a proper way to establish it. It should be established by the contracts and agreements between these workingmen and those who employ them, between the organizations, if you will, and those employers who choose to make contracts and agreements with them. Let them first establish the eight-hour day in that way, and then let them come before the Government and ask the Government to do the same thing; or if it is established in these industries generally, it will by virtue of its establishment there take effect in the classes of industries covered by this measure. But they have no right to saddle upon the company which I represent—the employees of that company who are taxpayers—the burden of supporting on Government work an especially favored class of employees, and they must do one of these two things: They must by this legislation either vastly increase the cost of all Government work to which it applies, or they must by virtue of this act impose the eight-hour day upon all industries in this country.

Some people have been talking about the possible tyranny of the majorities. I remember that Judge Grosscup declared in a decision which he rendered in the case of the United States *v.* James et al. (60 Fed. Rep., 257):

> The oppression of crowns and principalities is unquestionably over, but the more frightful oppression of selfish, ruthless, and merciless majorities may yet constitute one of the chapters of future history.

The tyranny that is proposed to be imposed upon the people of the country by the enactment of such a statute as this, if it does impose this eight-hour day everywhere, is not even the tyranny of a majority. It is the tyranny of a small group which believe that by the possession of the balance of power or by claiming to possess the balance of power, by convincing a few people that it does possess it, it can impose its will upon all the people of this country. It is nothing less than an invasion of the liberties of the people, and of what Adam Smith calls the most sacred and inviolable of all properties, the property which every man has in his own labor. And that is what is proposed to be accomplished. Now, it seems to me that it is unfortunate that anybody should be asking that, and especially that that request should come from the class, if there is such a thing as a class in this country, to whom every detail of liberty is most essential and most important. And I believe that if ever this thing can be accomplished it will react most seriously upon those who are here asking for it.

A great deal of the industry of this country under present conditions must be carried on very much more than eight hours per day. The millions of farmers in this country and all the farm laborers in this country are tied by inexorable conditions to the longest hours, the most arduous toil, and they are largely the people who pay the taxes.

Mr. STANLEY. Does this bill in any way affect the farmer?

Mr. NEWCOMB. No, sir; it does not, except that it imposes upon every farmer and every farm laborer the burden of supporting a class who will be the special favorites of Government in the treatment accorded to them by this bill. In enhances the demands that the Government must make upon the taxpayers in order to support

certain industries that are required to be carried on under expensive and extravagant conditions. This favors a limited class, and it throws this burden upon everybody who pays taxes. The farmers I spoke of because they are peculiarly required by the conditions of the industry in which they are engaged to work long hours, to toil very hard, and because they are peculiarly the people who support our Government and pay our taxes, and they can not escape from these conditions.

Now, why should they be required to pay more taxes to support others who are made especial favorites of legislation?

Mr. STANLEY. As I understand you, the result of this legislation would be that the increased burden, the increased cost of the product, would fall on the consumer?

Mr. NEWCOMB. The increased cost of the product that the Government pays will fall on the taxpayers, and, of course, the Government is the only institution which can indefinitely increase its cost. But there is not any check upon its extravagance. If you gentlemen who legislate for us chose to impose upon the Government costly methods in any way, by treating labor employed by the Government as a specially favored class, or in any other way, the taxpayer must go down in his pocket and get the money to pay the bill.

Mr. STANLEY. In that event, the manufacturer will not be hurt?

Mr. NEWCOMB. I said there were two possibilities in this legislation. I do not pretend to say which of them is going to result. Either you impose upon all industries in this country, except, perhaps, agriculture and a few others where it is impossible for the eight-hour day, by which you are doing a tyrannous act that is only possible through the evasion of the constitutional provision which was intended to prevent precisely that thing, or else you vastly increase the cost of everything that the Government buys, and thereby vastly increase the burden of the taxpayer. In any case the farmer, of course, gets the worst of it, because you are bound to increase the taxes that he has to pay by every cent that you add to the cost of the articles purchased by the Government, and even if you succeed in imposing this restriction of ordinary methods of business upon other industries, you can not impose it on agriculture. But that is only taking an extreme case. There are a great many industries to which the hand of Congress can not reach, which will not be touched by this bill, which are profitable taxpaying industries, and you would burden every one of them, and particularly the men engaged in them.

Mr. STANLEY. I am interested in your argument. Do you represent the farmer in any other than a sentimental way here?

Mr. NEWCOMB. Well, I am a farmer myself, and I suppose that I dislike to pay taxes as much as anybody else. I represent a company which is a heavy taxpayer, which employs a great many men who are heavy taxpayers, who are compelled by the conditions of the business in which they are engaged often to work more than eight hours a day, and their taxes are a burden upon the business in which they are engaged. They are a burden upon the traffic which the railway handles, and I think perhaps it is from the aspect of the taxpayer that the greatest hardship in legislation of this sort is to be found, unless it is in some particular industry to which the bill directly reaches.

Mr. CONNER. How is your industry directly affected by this legislation?

Mr. NEWCOMB. It is not directly affected at all. It is only affected as a part of the industries of the country which would feel this heavy hand of legislation.

Mr. CONNER. You do not manufacture for the Government at all?

Mr. NEWCOMB. No, sir; but we serve those industries which do directly serve the Government, and a railway can not be prosperous unless its patrons are prosperous.

Mr. STANLEY. What is the Delaware and Hudson Company?

Mr. NEWCOMB. It was first a mining company, chartered as a mining company for the mining of coal, and it was afterwards given the right by the State of Pennsylvania to construct and own canals and engage in the business of a common carrier. It operates under one of the oldest charters in existence in the State of Pennsylvania, and is one of the two companies—the Delaware, Lackawanna and Hudson being the other—which are authorized by their charters to operate the business of both a miner and a carrier.

Mr. STANLEY. That is not a very promising field for agriculture up there.

Mr. NEWCOMB. I was struck in looking over this bill with the absolutely socialistic origin of propositions of this sort, and it led me to turn over the pages of Lecky's monumental work on Democracy and Liberty, wherein he speaks of the consequences when a cruel and ruthless majority chooses to assert its will to the detriment of the rest of the people, when they propose to appoint inspectors to regulate our daily life; and I am going to ask you to listen to a sentence or two which applies to this precise proposition. This is from page 380 of Lecky's Democracy and Liberty:

> The legal eight hours, however, has long been prominent in the continental socialist programmes, and it has made great progress in England. The movement has taken several forms. One demand is that it should be the rule in the case of all persons employed either by the state or by municipalities, or by any other public body. If this were established by law, it would become a model which private employers would be soon forced to follow; and if the state and the local bodies lost by the transaction they had always the purses of the taxpayers and ratepayers as their resource.

And, as I have said, government can not be so reckless and so extravagant in its methods that there is not always that resource, and the taxpayer is nearly always the last man to successfully put in his appearance and successfully to make his protest. It seems to me that it is fundamentally wrong that a reform, if these gentlemen choose to call it a reform, of this sort should begin at the expense of the men who can least afford to bear the burden, at the expense of the taxpayers. It is so easy—I have seen it so often—for men to say, "Here, we can take the money of the Government and be generous with it," and it is so hard to remember that when you are generous with that money you are taking little by little, by driblets, away from men who get it with great difficulty and who toil the hardest and the longest hours; that every generous act of that sort is doing innumerable wrongs to people who can least bear wrongs of that character.

Mr. STANLEY. As I understand, you are opposed to any law whose operation will be to increase the prosperity of the individual at the cost of the taxpayer?

Mr. NEWCOMB. I am opposed to any law which proposes to in-

crease the prosperity of one individual or class of individuals at the expense of a great multitude of individuals. Congress has not any business to say that certain men, because they are in the employ of the Government, or in the employ of those who do business for the Government, shall work three, four, six, or eight hours, while all the vast multitude of the people of this country work ten or twelve or sixteen hours. When I say sixteen hours I am talking about the farmer, and there are many of them who do. It is a cruel, ruthless, and merciless use of this power that these gentlemen think that they have. I know that they do not recognize that it is that sort of a use, but if they can use the political power that they claim to possess in order thus to impose their will upon the people of the United States it is nothing less than a cruel and merciless use of that power, and I warn them that it is well to have a giant's strength, but that it is highly improper to use that strength like a giant. I do not know that there is anything further that I desire to say.

Mr. GOMPERS. Can I have just a few minutes, Mr. Chairman?

The CHAIRMAN. All right, sir.

STATEMENT OF MR. SAMUEL GOMPERS, PRESIDENT OF THE AMERICAN FEDERATION OF LABOR.

Mr. GOMPERS. Mr. Chairman and gentlemen, it is not my purpose to enter into any argument in regard to this bill or in regard to the merits of the bill, but being present and hearing the statements and arguments made at the last three hearings, I could not escape its influence. The statement made this morning by Mr. Hayden would lead the members of the committee to believe that in the Carnegie works the eight-hour day was introduced, and being introduced was found to produce great economic loss, loss of production, and that thereby you are to draw the inference that two shifts of men working twelve hours a day is more economic and more advantageous in the productivity of the laborer, not only in the works to which he referred, but by implication that that is an economic fact in industry. I shall not take up the time of the committee to recall the incidents as they transpired at the former hearings of the committee, but I think it is undisputed by real investigators that the eight-hour day has been, wherever given an ample opportunity, economically advantageous, and that the laborer, per man, has been a greater producer and a producer of better material than under a longer workday. Economy in plant and rent and management, in the introduction of the better, higher developed machines and power is an economic fact which by implication I have heard disputed for the first time this morning.

In one of the hearings of 1902 I come upon a letter which I may read to you. This is on page 208 of the volume of hearings of 1902:

JOLIET, ILL., *March 10, 1902.*

J. E. RALPH, *Washington, D. C.*

FRIEND JOE: Yours of the 8th instant to hand. In reply will say that this plant has been working eight-hour turns (tonnage men only) for four years at the request of the men, and I believe that it has been a benefit to the plant, as the men work more regular and do not object to being pushed; besides, I believe it has a tendency to make them more manly men in every respect, which I did not believe before we tried it. With best regards, I remain,

Yours, truly,

I. COOK NORTON,
General Superintendent of the Joliet Steel Works.

Mr. STANLEY. Not to interrupt you, but while you are on that point, is it not a fact generally conceded by those who have made a scientific study of this question, without regard to any particular industry or any pecuniary interest, that six hours' mental work and eight hours' active manual labor are the maximum that the human body and mind will endure without material detriment to one or the other?

Mr. GOMPERS. Yes, sir. Men speak of farmers working long hours. It is true that farmers do——

Mr. STANLEY. Occasionally.

Mr. GOMPERS (continuing). Work long hours during farming season, and they have considerable siesta at other seasons of the year. Then we often hear of men engaged in mental work and who say that they work from early morning until late at night, and that is very true; but it is for a certain brief period or for a season. And usually men, in the professional classes especially, have long vacations in which they have opportunities for mental and physical recuperation, which, of course, is out of the question so far as manual laborers are concerned. I do not wish, either now or later—I do not know that I will later—at any time before the committee to submit arguments in contravention of what has already been said, or may be said; but, as a matter of fact, except the extraordinary statement by Mr. Newcomb, I want to repeat that there has not been a new fact or a new thought expressed by the opponents of this bill that has not already been expressed in one way or another and in almost the exact same language. The arguments of Judge Payson and Mr. Hayden have been, as they have already said and indicated, simply preliminary to the introduction of evidence, of witnesses, and the presentation of testimony, depositions, and so forth.

Mr. Davenport has indicated his desire to address the committee at length and to then present in some form some depositions or testimony of some sort in opposition to the bill. I will venture to say that after all it will be cumulative. If the committee will consent to have this entered into, it will be cumulative, and a repetition of that which this committee has had several times, and the Senate Committee on Education and Labor has had several times, and which is in print. The opponents of the bill come here with four volumes, covering probably 2,000 or more pages of printed hearings and arguments and testimony. For two Congresses the opponents have urged that this subject-matter should be given an investigation running along even during the interim of the meetings of Congress, or that it be investigated by some Department. I am not sure whether they suggested the Census, but I do think that they did suggest the Department of Labor, or the Department of Commerce and Labor. A resolution was adopted containing questions that the opponents prepared and submitted, and the investigation was had. That has been printed. The request of the committee was that the answer be made by the Department sometime before the beginning of this session of Congress. I take it that the suggestion or the proposition for such an investigation had in view this fact—that the investigation by the Department of the subjects submitted by their questions would be sufficient, that such a report would be convincing to this committee, and that this committee of Congress could then take up the matter in a comprehensive form with all the data obtainable secured, so that then the committee could take up the consideration of the bill or such bills bearing on this

question as the committee desired to favorably report, or to reject; in any event, to determine finally what the policy is, what the views of the members of the committee are or should be relative to an eight-hour law.

Mr. DAVENPORT. May I inquire whether the Secretary of Commerce and Labor did not apply to you for assistance in his investigation, and you declined to give him any?

Mr. GOMPERS. I declined. I wish that I had a copy of the letter with me.

Mr. DAVENPORT. Is it not a fact that you declined to give him any assistance in this investigation?

Mr. GOMPERS. I will be glad to answer the question as best I can, but I want simply to make my answer more full than your question would warrant. I declined to assist the Secretary of Commerce and Labor in that investigation for the same reason that I objected to the adoption of the resolution calling for that investigation.

Mr. DAVENPORT. The question that I asked was whether you did not decline to give him any assistance?

Mr. GOMPERS. Then, I said that I declined to give him any assistance in that investigation and for the same reason that I objected before this committee to the adoption of that policy. And, first, not for the mere sake of consistency, but because I knew then what the Secretary of Commerce and Labor has demonstrated beyond the peradventure of a doubt, that the questions submitted by the committee were incapable of an intelligent answer; and the Secretary so states in his answers to each of the questions, except one, and that has reference to the position of labor. So far as the other six questions are concerned, the Secretary states that each and every one of them is incapable of definite intelligence or comprehensive answer.

Mr. HAYDEN. Where do you find that?

Mr. GOMPERS. I did not want to burden the hearings with a statement.

Mr. PAYSON. Just let me ask you——

Mr. GOMPERS. One moment.

Mr. PAYSON. I do not want——

Mr. GOMPERS. No; no; no. I want to answer that question.

Mr. PAYSON. Mr. Gompers, would not this more properly come in when the case is made? That is all that I wanted to ask.

Mr. GOMPERS. No; I have been asked a question.

Mr. HUNT. Let him go on.

Mr. GOMPERS. The first question asked of the Secretary of Commerce and Labor is:

> What would be the additional cost to the United States of the various materials and articles which it customarily produces by contract which would be governed by the limitations set out in said bill?

That is the question. The Secretary's answer to this is:

> It is clearly impossible to give a definite answer to this question.

The Secretary then proceeds to give his reasons for his answer, but what I have quoted is his answer.

Question 2 is:

> What damage, if any, would be done to the manufacturing interests affected by the provisions of the bill if enacted?

The answer of the Secretary is:

This inquiry can not be answered definitely for the same reasons as are stated in connection with the first inquiry.

He then proceeds to give his reasons why it is incapable of definite answer.

Question 3 is:

Whether manufacturers who have heretofore furnished materials and articles to the Government under contract would continue to contract with the Government if such contracts were within the peremptory eight-hour limitation provided by said bill?

To this the Secretary answers:

This question can only be answered by the contractors themselves, and it is doubtful whether a definite reply could be given by them unless the bill were actually in operation and they were confronted by the conditions resulting therefrom.

He then proceeds to give his reasons for that answer.

Mr. PAYSON. Now, please read another line or two right there.

Mr. GOMPERS. I will, just to please Judge Payson.

Mr. PAYSON. That is right.

Mr. GOMPERS (reading):

The majority of those who have expressed opinions, which are tabulated in the report, are confident that they could not continue to contract with the Government if such contracts were within the peremptory eight-hour limitation provided by the bill.

But that simply emphasizes my statement that the Secretary of Commerce and Labor gives that, as he does other matters, in support of his answers that the questions of the committee were incapable of definite answer.

Question 4 reads:

What would be the effect of the enactment of the said bill upon the shipbuilding industry?

To that the Secretary answers:

This inquiry offers the same difficulties when a reply is sought.

He then proceeds to give his reasons why he can not answer that.

Section 5 is:

What would be the effect of the enactment of the said bill, if any, upon the export trade of the country?

The Secretary answers:

This inquiry is likewise not susceptible of definite reply.

He then proceeds to give his reasons for his answer.

Section 6 is:

Are the laborers of the country, organized and unorganized, who would be affected by the proposed legislation, willing to have taken away from them the right to labor more than eight hours per day, if they desire to do so?

The Secretary answers:

This question has already been answered by the representatives of organized labor who have appeared before the committee from time to time.

The only one of these questions that he answers has already been answered.

The seventh question is:

What effect will this proposed legislation have, if any, upon the agricultural interests of the country?

To that he answers:

The same difficulties are met with in this question as with the preceding questions when a definite reply is attempted.

He then proceeds to give his reasons for his inability to answer the questions, because the questions are incapable of intelligent answer.

I merely call your attention to these facts in order that you may more clearly understand that these arguments and these proposed hearings and the submission of testimony that is proposed to be submitted to you are nothing more nor less than means of delay. I acquit these gentlemen of evil intentions. They are opposed to this legislation, and without aspersing their motives in the slightest, I simply assert that their policy in opposing this bill is to drag out the hearings as long as possible, so that it shall drag on to the close of the Congress, and make it impossible to enact this legislation, make it impossible that Congress shall have an opportunity of voting upon this question. Some gentlemen, members of this committee, have taken umbrage at remarks that I have made. My friend, Judge Payson, has waxed eloquent, and when he waxes eloquent it is a treat to hear. But in spite of his denunciation and rebuke of myself, I am always glad to hear him talk; it is always a pleasure to hear him talk. I think I would be willing to pay to hear him talk upon an interesting subject, upon a subject in which his heart would be enlisted as well as his mind.

Judge PAYSON. You never will have to pay to hear me.

The CHAIRMAN. Get into a lawsuit and it will be legitimate to pay to hear him.

Mr. PAYSON. You can always have a complimentary ticket to hear me.

Mr. GOMPERS. No, no; I would be willing to pay.

Mr. PAYSON. You shall never have to pay.

Mr. GOMPERS. That is one thing that I must decline.

Mr. PAYSON. What is that?

Mr. GOMPERS. I have always declined to accept.

Mr. PAYSON. Complimentary tickets?

Mr. GOMPERS. Yes, sir; of all sorts. But I thank the judge for his good intentions. Some members of the committee have believed that it was my purpose to cast reflections upon them. That was not my intention. It was not my purpose. I simply wanted to call their attention to the fact of the very cleverness of the gentlemen opposing this bill and this species of legislation, and to say under the presumption that their proposition is a fair one, and superficially taken, it is; when the facts are not known their position is incontestable. They have quoted from or referred to these four volumes of printed hearings and arguments before this committee, dating—the printed hearings—from 1892, and there were many hearings which are not now in print and others that were not taken stenographically, and when all these facts are borne in mind is it not fair to assume that these hearings and these arguments ought to have been exhausted and concluded by this time, and that where matters are in print and easily

accessible to the members of this committee as well as to all members of Congress, their object is to take up time in order that time may be consumed—I will not say wasted, but consumed—and thereby drag to the very death the opportunity of the enactment of this bill!

Gentlemen again this morning, in a milder form, but yet in its essence, made the same statement—that we are desirous of holding a club over you of our political power, to force you by using that political power to support or oppose any given number of men for the purpose of accomplishing this legislation. First, I would say that I do not know that appearing before this committee or before other committees of Congress, we have not tried to maintain ourselves as men with some conceptions of the rights and immunities among men. That we have been disappointed—and bitterly disappointed—is too true, and that we have been disappointed by reason of the ability of the opponents to make it appear to the Members of Congress that all that they wanted was fairness and justice, and simply that they might be heard and simply that they might submit testimony in order to convince you that we are wrong, is true. I venture to say this, that there has not been a committee of Congress, of either this House or the United States Senate, which has sat and heard the arguments of the opponents, as well as the poor appeals that we were able to make, that were not convinced that our opponents were wrong and that we were right; so much so that the Committee on Labor of the House of Representatives three times reported this bill—substantially this bill, the Gardner bill—favorably, and on two occasions the House of Representatives voted by an almost unanimous vote in favor of its passage, and the bill went to the Senate. And, further, there has never yet been a time when the Senate Committee on Education and Labor has had this bill under consideration but what it reported the bill favorably. If this measure had been a new proposition, I grant you, gentlemen, the time ought to be taken in order that a full understanding may be had of the proposition of this bill. I have been quoted time and again by the opponents as to what this bill means, and I have each time given my assent to its broadest interpretation. Let me say this: Judge Payson, at the last hearing, made some statement in regard to five months having elapsed before a hearing of this committee was had upon it.

Mr. PAYSON. Before a hearing was asked for, I said.

Mr. GOMPERS. Was asked for. Let me say that the bill had not been introduced until——

Mr. PAYSON. January 12 was when the Gardner bill was introduced.

Mr. GOMPERS. January 12.

Mr. PAYSON. But the Sulzer bill was introduced the second day of the Congress.

Mr. GOMPERS. I do not think that we want to discuss the Sulzer bill. I do not want to do it.

Mr. HUNT. Mr. Gompers, you will pardon me, I do not like to interrupt you, but we have already gone over our time, and we have forfeited a roll call in the House.

Mr. GOMPERS. I want to revert to one statement that was made, and simply call your attention to it without making any argument upon it, and that is a statement made, I think by Mr. Hayden, that it is essential to success of a certain process in making a certain product that the men who start the process at the beginning should remain

with it until the final result is achieved. That statement was made time and time again by the opponents of the bill and was exploded by the practical men who work in the mills, who showed that under the present operations the changes occur without any loss of any sort in any of the processes to which reference has been made. In view of the statement of Mr. Hunt regarding the time of the committee, I will not say anything more than that now.

Mr. HUNT. Probably we have lost this roll call, and we will have to suspend the hearing now, but it is not from any desire to abridge your statement, or the statements of any other gentleman.

Mr. GOMPERS. I do hope, Mr. Chairman and gentlemen, that the committee may determine to report this bill without any further delay.

(At this point the committee adjourned until Thursday, May 24, 1906, at 10.30 o'clock a. m.)

COMMITTEE ON LABOR,
HOUSE OF REPRESENTATIVES,
Thursday, May 24, 1906.

The committee met at 11 o'clock a. m., Hon. James P. Conner (acting chairman) in the chair.

Mr. CONNER (acting chairman). Mr. Davenport, I believe that you are to be heard to-day.

STATEMENT OF MR. DANIEL DAVENPORT.

Mr. DAVENPORT. I am an attorney at law, and I reside in Bridgeport, Conn. I represent, in opposition to this measure, the American Anti-Boycott Association. That organization, as has been previously stated to this committee, was formed for the purpose of resisting the boycott and for the purpose of preserving and getting enforced the laws for the protection of the right of every man to run his own business and the right of every man to work, whether he belonged to a union or not. As I explained here before, owing to the circumstances under which that organization was formed, its membership was private; but I would say that it includes a very large number of manufacturers all over the United States whose capital invested amounts to very many hundreds of millions of dollars, and who employ many hundreds of thousands of workingmen. They regard this measure as an attempt to boycott, by law, every concern in the country doing business with the United States Government who will not consent to run their business on an eight-hour basis.

I will endeavor, now, to talk about this proposition as a business proposition. There seems to be no dispute between the proponents of this measure and its opponents as to the real purpose of this legislation. You know that it has been the subject of consideration for many years by this committee and the Senate Committee on Education and Labor, and throughout all those hearings it has been contended by those who oppose it that the effect of it would be to compel every concern that does business with the Government, under the provisions of this bill, to run their shops exclusively on an eight-hour

basis, and such has been the confession and avowed purpose of those who favor it.

At a hearing held before this committee in 1902 the distinguished president of the American Federation of Labor, Mr. Gompers, stated it very concisely in the following words:

> Judge Payson did me the honor and did our movement the honor to state candidly our position, so far as this bill is concerned. That is what we hope to accomplish. We believe exactly what some of the employers who have appeared before this committee and other committees upon the subject say. We believe it will not be long when the eight-hour law shall pass; and I trust it may pass. If this bill——

this very bill——

> shall become a law it will not long be possible to operate one branch of a plant on the eight-hour basis and another upon the ten-hour basis. No; we know what the effect of it will be, and it is because they, too, know the effect of what that law would be that they oppose it. But we say that they are standing in their own light in opposing it, and that they are doing themselves a wrong, and that they are belittling their own intelligence and foresight in so doing.

That such is the purpose of those who advocate this legislation and such will be the necessary effect of its operation we may take as established. And that brings up, then, the very interesting question whether or not it is for the interest of the Government of the United States to enact such a measure into law, whether it will be for the interest of that large portion of the community who own and operate plants—manufacturing plants—and whether it will be for the interest of the employees and the working people generally of the country, as well as that greater body of citizens who are neither in the ranks of organized labor nor are engaged in manufacturing, but are citizens of our country and taxpayers. I am going to try to talk to you gentlemen as regards this matter in the light of a business proposition.

Mr. GOEBEL. Let me interrupt you just there before you get on to that. Leave out, now, for the moment, the inconvenience or the additional expense or the impossibility of operating one part of a plant for eight hours and another part for ten hours. I say leave all that out for the moment, do you not think as a general proposition that it is better for this country to get down to an eight-hour basis?

Mr. DAVENPORT. Oh, I think not. It is not only getting down to an eight-hour basis, you must remember, but it is absolutely prohibiting anybody working more than eight hours, and such a condition as that——

Mr. GOEBEL. I was not speaking particularly with reference to this bill. I was speaking upon the general proposition, whether it would not be far better for the country and better for the laboring man and better for the employer if we do really get down to an eight-hour basis?

Mr. DAVENPORT. That is, not to work more than eight hours a day?

Mr. GOEBEL. Yes.

Mr. DAVENPORT. I do not. I think it would be a most unfortunate condition of affairs, and as I have often said, it would be the most unpopular measure that could ever be attempted, as I will attempt to illustrate a little further on.

Mr. CONNER. Answer me this question: Would you be opposed to the eight-hour day if it could be brought about without an eight-hour law?

Mr. DAVENPORT. That is to say, to have that a standard of work, the normal day's work, with the privilege of everybody working longer if they desired?

Mr. CONNER. Yes.

Mr. DAVENPORT. Answering it categorically, I would say no; I would not be in favor of that. But, gentlemen, I was about to say that you are the legislative department of this Government and you are asked to enact a law which shall command the officers of the department whose business it is to make contracts for work in behalf of the Government to exact certain stipulations in the contracts which they make. I take it that you all feel your responsibility as representatives of the American people, as representative of the taxpayers, and you feel the responsibility to have the Government of the United States conducted as economically and as wisely and as efficiently as it is possible to do it. You do not want to waste the money of the taxpayers; you do not want to impose upon the officers of the Government impossibilities, to increase their difficulties; you do not want to impair the efficiency of the Government as a great business machine, and it is my purpose to say something now upon that phase of the matter.

Naturally the first question that occurs to you is, What is the existing law upon this subject? How long has it been in force and operation? What has been the effect of it? Is the policy a wise one? Has it been proved to be a wise one so far as it has already gone and been applied? If so, would it be wise to extend it in any direction, and especially in the direction which is contemplated by this measure?

The next thing you naturally want to know is, What, precisely, is this bill; what are its provisions; what does it cover? And the next question would be, What will be the effect of such a bill, first, upon the Government, and, second, upon the great business interests of the country who have dealings directly or indirectly with the Government, and, third, upon the business affairs of the country generally?

It is probably known to you that in 1868 Congress passed a law providing that eight hours should constitute a legal day's work. It was enacted on the 25th of June, 1868:

> That eight hours shall constitute a day's work for all laborers, workmen, and mechanics now employed or who may hereafter be employed by or on behalf of the Government of the United States, and that all acts and parts of acts inconsistent with this act be, and the same hereby are, repealed.

When that law took effect the different officers of the Government whose business it was to act under it assumed that, as in fact it did, it made eight hours a standard for a day's work, and in administering it they proceeded to consider that while it cut down the hours of work it also justified them in reducing the pay of the employees. Thereupon President Grant issued a proclamation on the 19th of May, 1869, which said:

> That from and after this date no reduction shall be made in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of any such reduction of hours of labor.

Later, in May, 1872, President Grant issued a second proclamation referring to the former.

Mr. NORRIS. What year was that last one?

Mr. DAVENPORT. 1872.

Mr. NORRIS. I thought you said 1862.

Mr. DAVENPORT. Among other things he said:

And whereas it is now represented to me that the act of Congress and the proclamation aforesaid have not been strictly observed by all officers of the Government having charge of such laborers, workmen, and mechanics; now, therefore, I, Ulysses S. Grant, President of the United States, do again call attention to the aforesaid act, and direct all officers of the Executive Department of the Government having charge of the employment and pay of laborers, workmen, and mechanics, employed by or on behalf of the Government of the United States to make no reduction in the wages paid for the Government by the day for such laborers, workmen, and mechanics on account of the reduction of the hours of labor.

Seven days later Congress passed this act:

That the proper accounting officers be, and hereby are, authorized and required, in the settlement of all accounts for the services of laborers, workmen, and mechanics employed by or on behalf of the Government of the United States between the twenty-fifth day of June, eighteen hundred and sixty-eight, the date of the act constituting eight hours a day's work for all such workmen, laborers, and mechanics, and the nineteenth day of May, eighteen hundred and sixty-nine, the day of the proclamation of the President concerning such pay, to settle and pay for the same without reduction on account of reduction of hours of labor by said act when it shall be made to appear that such was the sole cause of the reduction of wages, and a sufficient sum for said purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated.

In other words, Congress passed this act to pay those workmen whose wages had been reduced on account of the reduction of the hours of labor between the time of the passage of the act of 1868 and the date of the proclamation of President Grant, to reimburse them, and the next piece of legislation we find on the subject is in the urgent deficiency bill of May 30, 1888, when it was enacted:

And the Public Printer is hereby directed to rigidly enforce the provisions of the eight-hour law in the department under his charge.

On the 24th of May, 1888, in an act it was provided:

That hereafter eight hours shall constitute a day's work for letter carriers in cities or postal districts thereof, for which they shall receive the same pay as is now paid for a day's work of a greater number of hours. If any letter carrier is employed a greater number of hours than eight, he shall be paid extra for the same in proportion to the salary now fixed by law.

The Department of Justice had held:

That the provisions of the act of June 25, 1868, were not applicable to mechanics, workmen, and laborers who are in the employ of a contractor with the United States. That act was not intended to extend to any others than the immediate employees of the Government.

So that this may be fairly stated to be the fact, that in 1868 Congress enacted a law which made the standard day's labor eight hours, and by act of the Executive the same pay was required to be given for the eight hours that had been previously given for a ten-hour day, and that the Congress had to reimburse and pay those workmen whose pay had been reduced prior to the Executive action, and that they made the same rules specifically in regard to those in the public printing establishment and the letter carriers.

Mr. GOMPERS. May I interrupt you for a moment, not to make any other observation than I believe you would have appear in the record for the sake of accuracy?

Mr. DAVENPORT. Very well.

Mr. GOMPERS. You made the statement that the proclamation of President Grant was that the pay for the eight-hour day should be the same as for the ten-hour day. I think you will not dispute that the hours of labor of many of the employees were nine, some more than ten. I merely wanted to have the correction go in that it was the eight-hour day as against the longer workday.

Mr. DAVENPORT. Why, Mr. Gompers, I think it is correct to state that the action of the Executive Department was to pay for the eight-hour day whatever they had received for the longer days, but there was nothing in the law which prohibited anybody working more than eight hours. The law contemplated that they should be permitted to work more than eight hours and should be paid for the overtime.

Mr. GOEBEL. But did not that only apply to the Departments?

Mr. DAVENPORT. No, sir; it applied to others. We have an eight-hour law in my own State. The Connecticut legislature about the same time, I think, in 1868, declared that in the absence of an agreement eight hours should constitute a legal day's work.

Mr. HUNT (to Mr. Goebel). It applied to the custom-house in your State about that time.

Mr. DAVENPORT. Now we come down to the year 1892, when an act was passed to which I invite the careful attention of the members of this committee as well as all others who are interested in this subject. It is chapter 352 of the acts of 1892, whatever the session of Congress was. This chapter is as follows:

CHAP. 352.—AN ACT Relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public works of the United States and the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the service and employment of all laborers and mechanics who are now or may hereafter be employed by the Government of the United States, by the District of Columbia, or by any contractor or subcontractor upon any of the public works of the United States or of the Said District of Columbia, is hereby limited and restricted to eight hours in any one calendar day, and it shall be unlawful for any officer of the United States Government or of the District of Columbia or any such contractor or subcontractor whose duty it shall be to employ, direct, or control the services of such laborers or mechanics to require or permit any such laborer or mechanic to work more than eight hours in any calendar day except in case of extraordinary emergency.

SEC. 2. That any officer or agent of the Government of the United States or of the District of Columbia or any contractor or subcontractor whose duty it shall be to employ, direct, or control any laborer or mechanic employed upon any of the public works of the United States or of the District of Columbia who shall intentionally violate any provision of this act shall be deemed guilty of a misdemeanor, and for each and every such offense shall upon conviction be punished by a fine not to exceed one thousand dollars or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof.

SEC. 3. The provisions of this act shall not be so construed as to in any manner apply to or affect contractors or subcontractors or to limit the hours of daily service of laborers or mechanics engaged upon the public works of the United States or of the District of Columbia for which contracts have been entered into prior to the passage of this act.

Now, that is the law to-day. Soon after the passage of that law the Attorney-General of the United States was called upon to interpret it, and suffice it to say for the present that he very much restricted the scope of it by the interpretation that he put upon it.

That law the officers of the Government have been working under since. You will notice that it relates to all laborers and mechanics who are now or may hereafter be employed by the Government of the United States, the District of Columbia, or by any contractor or subcontractor upon any of the public works of the United States or of the said District of Columbia, and no contractor and no officer of the Government and no subcontractor can intentionally permit any person to work more than eight hours in a calendar day without being liable, unless it be in the case of an extraordinary emergency.

Mr. GOEBEL. Let me ask you, What was the restriction of the Attorney-General in that regard? You say that he limited it.

Mr. DAVENPORT. This was the substance of it:

The act of August 1, 1892, chapter 352, is of general application, and the limitation as to public works in said act applies only to such persons as are in the employ of contractors and subcontractors. Whether or not specified persons are such laborers is a question of fact not for the Attorney-General to determine.

This opinion was by Attorney-General Miller, and later Mr. Olney when Attorney-General, in 1894, made another ruling. Now, what I am bringing your attention directly to in connection with this bill is that the representatives of organized labor have been endeavoring from that day to get some further legislation along the same lines. It has taken all sorts of forms. It has taken all sorts of methods. But they have persistenly pursued before the committees of Congress legislation having that end in view, and have now asked this committee to report a particular measure, which is that known as the Gardner bill, and, as I said when I began, the first question that we want to consider is, What is the scope of that law? What does it cover? How does it change the existing law?

Now, I will read the bill, so that we may see precisely what is apparently covered by its language:

That each and every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States or any Territory or said District, which may require or involve the employment of laborers or mechanics, shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day.

And then it goes on to provide that each contract shall contain a stipulation, and so forth.

The first question that occurs to any thoughtful man is, Does that law embrace the contracts that are covered by the act of 1892?

Mr. GOEBEL. Right there I want to ask a question. The act of 1892 provides that no contractor or subcontractor shall be required to work more than eight hours.

Mr. DAVENPORT. No employee.

Mr. GOEBEL. No employee, and so on. Now, there is the act, which expressly prohibits more than eight hours. Does not this simply stipulate that that contract, now, shall contain simply this clause? Is it anything more than that?

Mr. DAVENPORT. Now, is it?

Mr. GOEBEL. I will ask you that; and does it change the existing law?

Mr. DAVENPORT. I will ask Mr. Gompers, who is a highly intelligent man, and who has given great consideration to these matters, and who is urging this bill, whether or not he understands that this law, if it was passed, would relate to the contracts for the public works of the United States and in the District if Columbia.

I want simply to have you state whether or not it is your conception of this bill that, for instance, if the Government of the United States was to contract to build another building like these two office buildings that are in process of erection here, or if the District of Columbia was to contract to erect another building, whether or not this bill would relate to those contracts?

Mr. GOMPERS. Well, if the gentleman wants me to answer a question of such importance——

Mr. DAVENPORT. Well.

Mr. GOMPERS (continuing). Categorically, yes or no, I must decline to do so.

Mr. DAVENPORT. Very well.

Mr. GOMPERS. If he will give me about two minutes, I think that I could.

Mr. DAVENPORT. I will give you two minutes.

Mr. GOMPERS. Very well. See if I can not do it, by the clock.

Mr. DAVENPORT. I will not hold the watch on him, either.

Mr. GOMPERS. Very well.

Mr. DAVENPORT. I have no doubt that he will endeavor to do it.

Mr. GOMPERS. Having been associated with the friends of labor for more than thirty years in the effort to secure an eight-hour law, the existing law and the amendments since that law, I think I am in a fair position to say that by the law of August 1, 1892, it was the intention of the designers of the present law, as well as it was the intention of those Members of Congress and others with whom we were associated in passing the bill and in urging its passage before Congress, that the then bill and the present bill, if enacted, should apply to the contractors and subcontractors.

If you will read the opinions rendered by the Attorney-General you will find he makes reference to a comma, either rightly or wrongly placed in the engrossing, which changed the very purpose of the law and which gave him either the opportunity or the right to say that it limited the intention and purpose of the law. The present bill, the Gardner bill, after going through various phases of elimination, in its present form is the expression of what we hope to accomplish; and upon the interpretation of the words "Government work" we believe that the intention of the law was not only to cover Government work, but work done for the Government, and this bill is to provide in contract form for that which was the purpose of the law of 1892, for the recognition and establishment of the eight-hour day applied to laborers, whether employed by the Government direct or on Government works, by the contractors or subcontractors on Government works, or work done for the Government, other than can be bought in the open market.

Mr. DAVENPORT. I understand, then, Mr. Gompers's conception of this bill to be that it would apply to the very things that are covered by the act of 1892, and he further says that it is the hope and expectation to have it apply to things that they thought were covered, but which on construction were held not to be covered. In

other words, if a contractor contracts to build a building for the United States Government here in the District of Columbia or anywhere in the United States, to build the Panama Canal, or a fort, the innumerable things that we call public works within the definition of it will be subject not only to the act of 1892 but to the present proposed act. That was my understanding of the law. I supposed that the matter was so plain that nobody could have any doubt about it. If a contractor working upon this building down here, provided this law had been in force, voluntarily required or permitted a man to work more than eight hours, he would be guilty of a misdemeanor and would be liable to punishment.

Mr. GOEBEL. Are you speaking under the act of 1892?

Mr. DAVENPORT. Yes. And if this law applied further than that, he would be liable to the penalty of $5 for each man that he permitted to work more than eight hours in any one calendar day.

Mr. GOEBEL. If that be true, what is the objection to this provision that there might be inserted in the contract that the hours shall be only eight?

Mr. DAVENPORT. Oh, I am coming to that. You divert me for the moment from what I wanted to say.

Mr. GOEBEL. I did not intend to do that.

Mr. DAVENPORT. Is not that too plain for question, that when anybody is called on to make a contract for the building of a building here, or for the Government of the United States anywhere, that they have got to stipulate in that contract that in case he permits a man to work more than eight hours a day he will pay or forfeit $5?

Now, if that is true, the bill would apply to public works as follows:

(*a*) Buildings, including structural steel, stone, and other contract work entering into the buildings.
(*b*) Fortications, with similar inclusions.
(*c*) River and harbor contract work, with similar inclusions.

Mr. Metcalf was called upon to give this committee certain advice with regard to it. The bill was not the same as this, but in this respect it was the same. What was the opinion of the solicitor of the Department? You will observe that in the concluding portion of this bill there is this language:

Nothing in this act shall be construed to repeal or modify chapter three hundred and fifty-two of the laws of the Fifty-second Congress, approved August first, eighteen hundred and ninety-two, or as an attempt to abridge the pardoning power of the Executive.

Apparently that was put in there for the purpose of preserving the criminal features of the law so far as it relates to the class of work covered by the act of 1892. The acting commissioner says in his letter to the Secretary of Commerce and Labor:

It would seem necessary, also, to consider the effect of the last sentence in the bill so far as it concerns the law of August 1, 1892. Should this sentence add nothing to that law, it would probably remove from the "articles and materials" to be covered the items of public works (*a*), (*b*), and (*c*), referred to above.

Mr. Metcalf says on page 19 of his report:

It should be stated in this connection that the Solicitor of the Department supplemented the report made in the above letter by a verbal statement to the effect that, according to his interpretation of the last sentence in the bill, the

contracts falling within the scope of the law of August 1, 1892, would not be affected in any way by the proposed bill, but would continue to be governed by the provisions of that law.

There is the law officer of this Department called upon to construe this law, and he advises the Secretary of Commerce and Labor that the scope of this bill and the phraseology of this bill are such that the very class of contracts which the drafter of this bill sought to cover, and which Mr. Gompers says he considers is covered, is not covered by it at all. Of course you can see the position in which it would at once place the officers of the Government who are called upon to make these contracts, the uncertainty, the confusion, the absolute doubt as to whether or not the great class of works which the advocates of this measure seek to cover by this measure are covered by it or not.

Mr. GOEBEL. The effect of that would simply be that it does not carry out or include those items which Mr. Gompers——

Mr. DAVENPORT. Why, of course it would be, if it was true.

Mr. GOMPERS. This bill is simply supplementary to the existing law.

Mr. DAVENPORT. In other words, the criminal provisions apply, and also the contract provisions apply.

Mr. GOMPERS. No.

Mr. DAVENPORT. Certainly.

Mr. GOMPERS. No, sir.

Mr. DAVENPORT. It is supplemental. That is the conception that Judge Goebel has of it. And yet I see here, when the law officer of the Department of Commerce and Labor was called upon to construe this bill, the Secretary said:

It should be stated in this connection that the Solicitor of the Department supplemented the report made in the above letter by a verbal satement to the effect that, according to his interpretation of the last sentence in the bill, the contracts falling within the scope of the law of August 1, 1892, would not be affected in any way by the proposed bill, but would continue to be governed by the provisions of that law.

Mr. GOEBEL. That had only reference to the criminal part, did it not?

Mr. DAVENPORT. That the contracts would not be affected?

Mr. GOEBEL. Yes.

Mr. DAVENPORT. The contracts falling within the scope of the law of August 1, 1892, would not be affected. In other words, every contract that relates to the public works of the United States would not be within the provisions of this law.

Mr. GOEBEL. In other words, to put it the other way, it would be under the act of 1892?

Mr. DAVENPORT. That is to say, that so far as the act of 1892 is concerned, if a contractor or subcontractor or officer of the Government intentionally violated the law they would be subject to a criminal prosecution.

Mr. GOEBEL. Yes.

Mr. DAVENPORT. But the contractors for any such kind of work as that would not be within the provisions of this bill, this proposed law. They would not be required, nor would they be authorized, to insert in any contract they made, for instance, for the building of a capitol or a post-office or a light-house, or for doing the work upon

the canal, or for any other of the vast number of things which the Government builds, any such provision; and these things which are covered by the definition of "public works" would not be within the provisions of this bill at all.

Mr. GOEBEL. Why, it would come under the provisions of this bill.

Mr. DAVENPORT. Why, I said, and I have always thought, and Mr. Gompers thought and still thinks, and it was, I thought, the opinion of everyone that heard the language read, that every contract for the Government, whether it related to public work or whether it related to things that were furnished to the Government under contract, would be covered by the provisions of this bell. But that is not the construction which the Department of Commerce and Labor put upon this bill in giving its advice to this committee. I say "this bill," because the provisions of the bill that was referred to them and the provisions of this bill are identical.

Mr. GOEBEL. Then the only effect that that would have is that it does not go as far as the proponents of it would like it to go or expect it to go?

Mr. DAVENPORT. If I have succeeded in the purpose that I had in mind, it was to show to this committee the absolute uncertainty that would exist in the mind of every person who was called upon to contract for that kind of work whether or not they were covered by it; the officers of the Government could not tell, and as a business proposition, running the Government on business principles, do you want to enact a law with any such provision as that in it, so obscure? It is a vital defect in the bill. It is a thing that needs to be very carefully considered. The effect of it would be disastrous to the business of the Government.

Now, if you take any particular construction you will find yourself in the same difficulty in regard to that. You make the doing of a certain thing a criminal offense, permitting a man to work more than eight hours. That is a crime. You insert in the contract a provision that if he commits that crime, he shall, in addition to the criminal liability, be subject to a forfeiture under the terms of his contract. At once you make a great distinction between the classes of contractors. Those who are doing work upon what are known as public works are subject not only to the criminal provisions of this bill, but they are subject also to the enormous penalty of $5 for each man each day that is permitted to work upon it, not only whether they intentionally violate that law or whether they involuntarily do it; whether it is done by them directly or by their agents or by their employees.

Mr. CONNER. I understand, according to the opinion that you have read, this law would not apply——

Mr. DAVENPORT. It would not apply to the Panama Canal, for instance.

Mr. CONNER. It would not apply to the works which are included and described by "public works?"

Mr. DAVENPORT. That is everything.

Mr. CONNER. That that is covered by the law of 1892?

Mr. DAVENPORT. And that alone. That all those matters are covered by that law.

Mr. CONNER. If that is true, that is good law; these additional penalties would not apply to that kind of work.

Mr. DAVENPORT. To that kind of work, but it would apply to all other kinds of work. Which is right? Is the opinion of the Solicitor right, or is the opinion of Mr. Gompers or myself or any other gentleman who reads this correct? Can language be any more comprehensive than this:

That each and every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States or any Territory or said District which may require or involve the employment of laborers or mechanics, shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, etc.

It covers every kind of contract. It is broad enough to cover the contracts that are provided or dealt with under the act of 1892.

Mr. NORRIS. I presume the opinion of the Solicitor cited there by Mr. Metcalf, that oral opinion, has the effect merely of making everything covered by the existing law an exception to this law?

Mr. DAVENPORT. Yes; and it makes it so doubtful that nobody can tell; that is the point. Now, you can begin and take this bill from beginning to end, and if you pass it you impose upon your officers the duty of interpreting it and applying it. No mortal man can tell to what it does apply, what is its scope, what the scope of that law is, and if you are faithful servants of the people and expecting to do your duty, as doubtless you are, in instructing these executive officers it will be necessary to provide a law which is intelligible; otherwise it would seem as though the business of the Government of the United States was to be practically paralyzed because the officers would not know what to do, the parties to that contract would not know what to do, what the liabilities would be, and it would only be when somebody had made a contract and it had been tested in the court or had gone through in some form or other to an adjudication that anybody could know where he stood. And I say, as a business man talking to business men, do you want to put the business of the Government of the United States in any such condition?

But that is the only one striking trouble about this bill. We come to the very first part of the bill, for it provides that every such contract—

shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated shall be required or permitted, etc.

What does "subcontractor" cover? It is well known to those who have to do with affairs of the Government or of any large establishment that a contract is made by a contractor and he makes a number of subcontracts with others, and they in turn make contracts with others, and it ramifies and ramifies until there may be 500 contracts of near or remote degree. Does that law reach beyond the first subcontractor?

It is very easy for you gentlemen sitting around here to guess at it. It is very easy for Mr. Gompers to say, "Well, I think it means so and so." It is very easy for those gentlemen to say, "Well, let the thing be settled by the courts." But as a practical proposition, when men have immense sums of money depending upon it, what is the construction that is going to be put upon that bill? It apparently is penal. Its purpose is to punish a man for the heinous offense of

letting a man work more than eight hours a day. Is it to be construed strictly, or is it to be construed broadly? My own construction of it, my own guess, is that it is intended to and probably does cover every contractor, every subcontractor, and every subcontractor of a subcontractor down to the remotest degree. The question immediately occurs to any sensible man, any business man, How is the contractor going to protect himself from this?

Mr. NORRIS. On that proposition have you ever heard anyone express any doubt that your construction there is correct? Is there any doubt on the proposition?

Mr. DAVENPORT. I am going to call your attention to the innumerable holes and difficulties that the Senate Committee on Education and Labor found in this measure, and I think there is something bearing upon that. But is it not a question of doubt? And as long as it is a question of doubt, what is the officer of the Government going to do?

Mr. NORRIS. I do not think it is a question of doubt, myself.

Mr. DAVENPORT. Well, is it so that in vast enterprises, when great financial interests were involved to you, you would be sure that it did not apply or did apply to subcontractors of subcontractors?

Mr. NORRIS. It would be just as sure as anything else. A man is never sure of anything in this world but taxes and death.

Mr. DAVENPORT (continuing). Until the matter had been tried out in the courts.

Mr. NORRIS. But that would apply to any bill that anybody might pass.

Mr. DAVENPORT. Then, I assume that if the Congressman was an officer of the Government making a contract for, say, a battle ship he would expect to have the builder of the battle ship stipulate that not only would he not permit or require any person to work more than eight hours in any one calendar day, but that no subcontractor of his, and that no subcontractor of that subcontractor would do so, down to the remotest ramification. That being the case, what could the contractor do to protect himself from the risks that he would run? This only provides that the penalty shall be withheld from the compensation of the contractor. Now, how is the contractor going to deal with the subcontractor?

Mr. STANLEY. Not to interrupt you, if you were going to write a bill—if the purpose of this bill were, and I think it is as Mr. Norris has suggested, to bind every man, whether the original contractor or any person laboring under him, to work not to exceed eight hours a day, or upon the character of materials stipulated in this contract——

Mr. DAVENPORT. Yes.

Mr. STANLEY (continuing). Now, if you wanted to make that specific, how else would you word it than this bill words it?

Mr. DAVENPORT. If that is the purpose, I should think it could be specifically stated. But the question is, Would any man in his senses, acting for the Government of the United States, put any such provision as that in a bill? Just follow it for a moment.

Mr. NORRIS. Of course that is a reasonable proposition, as I can see, that you are making there; but how, as to the construction of it——

Mr. STANLEY. I would like to hear him on that question of the advisability of it.

Mr. DAVENPORT. I am going to call your attention to it. Of course when he makes his subcontract he may say it is stipulated that if you permit anybody to work more than eight hours a day, or violate the bill——

Mr. GOEBEL. "It is stipulated in my contract," he says: "not in the subcontractor's contract, but in my contract."

Mr. DAVENPORT. Yes; if you do it——

Mr. GOEBEL. I am liable.

Mr. DAVENPORT. You are liable. But I am talking now about the subcontractor, the contract that the contractor exacts from his subcontractors. I want you to stipulate that if any of your employees or subcontractors violate any of these provisions you shall pay me $5, or it shall be withheld out of your compensation, or he has got to get a bond out of him, one or the other.

Mr. GOEBEL. Yes.

Mr. DAVENPORT. The subcontractor having done that, as is necessary to be done, he in turn makes his subcontracts, and so you have perhaps in the first, second, third, fourth, and fifth degrees a series of contractors and of stipulations. Suppose it comes to pass that an inspector or a person authorized to carry out this thing reports to the proper officer of the Government that one of these subcontractors has violated the provision; that he has, under an emergency, perhaps, let 500 men work ten days.

Mr. NORRIS. Ten hours, you mean?

Mr. DAVENPORT. No; that he has let them work ten days overtime. That would be $25,000. What is going to happen under this bill in such a case? In the first place, by the terms of it, it is the duty of the man that pays the bill to withhold that $25,000 from that contractor, and there is no power on earth to rebate or remit any of that penalty to that contractor. In the meantime, the subcontractor of the subcontractor says, "Why, what do you mean by this? I have not done anything of the kind. I have not violated anything. It is false." Well, the contractor next above him finds himself in a very difficult position, and so on up. To bring the thing right down, at last the subcontractor of the subcontractor brings a suit against the subcontractor for his money according to the terms of his contract. Where is that suit going to be brought? It is an action at law; if it is between citizens of the same State, it has got to be brought in a State court. If it involves more than $20, it has got to be tried before a jury, and there the question is fought out and determined, and the jury finds either that the subcontractor of the subcontractor did not violate the law or that in some way or other under some of the circumstances that subcontractor in some way waived that provision in his contract, and he is cast in damages.

That subcontractor has got to pay that bill. Suppose instead of that it was the subcontractor himself, directly from the contractor. Suppose it was the Carnegie Steel Company and the Cramp Shipbuilding Company. They are both citizens of Pennsylvania. Do you not see, gentlemen, as men of common sense, that you would put that subcontractor between the upper and the nether millstones? He has got to pay that bill to that subcontractor because the verdict

of the jury has determined that he owes it, and on the other hand the sum of money which he has received from the Government has been covered into the Treasury, and remains there, and can not under the provisions of this bill possibly be gotten out. Do you suppose that the business affairs of this great Government in all these matters where the Government buys everything from a tack up to a battle ship, when it is the largest and most diversified customer in the country, and perhaps in the world, can be conducted in any such way by your officers? Do you not know that every man will absolutely refuse, necessarily, to put himself under such onerous conditions as that?

Mr. STANLEY. Would not that be obviated by putting in the subcontract the same provision as the original contractor had, and will it not be presumed that the jury will find the facts as they are?

Mr. DAVENPORT. In other words, you would propose to shut out the subcontractor from the privilege of showing that it is not true—that he did not violate the contract? You see, it is the relation between two citizens of the same State. It is clear beyond the purview of this law. There is nothing in this law that requires or authorizes——

Mr. STANLEY. In the State court that would be a valid defense if he made the contract.

Mr. DAVENPORT. What?

Mr. STANLEY. That he did work them over eight hours.

Mr. DAVENPORT. Yes; but if he did not?

Mr. STANLEY. If he did not, the courts would so find.

Mr. DAVENPORT. And if he did not, he would recover from his contractor.

Mr. STANLEY. Not at all.

Mr. DAVENPORT. If he did not work them over eight hours.

Mr. GOEBEL. He would get his money.

Mr. DAVENPORT. He would get his money.

Mr. STANLEY. The money would not be covered into the Treasury in that event.

Mr. HUNT. Is the subcontractor at the present time made a party to the original contract?

Mr. HAYDEN. Never; not in any contract with the Government.

Mr. HUNT. He is not held up by the contractor who contracts with the Government; he is not held up on the stipulations of the contract exacted of him by the Government?

Mr. HAYDEN. No, sir; it is only a bargain between the contractor and the subcontractor.

Mr. HUNT. I asked as to the contractor. Is not the subcontractor under the supervision the same as the original contractor, following out certain specifications, details, etc., pertaining to the original contract, and thereby does it not become a part of the original contract?

Mr. HAYDEN. That depends upon the bargain between the contractor and subcontractor.

Mr. HUNT. One moment. I would like to get my mind clear on this. To begin with, I am not a lawyer. I have signed a few contracts in my time. My understanding of it is that where you are the general contractor under the Government and I accept a subcontract from you, I would become, by an exactment of yours, if not an original or first party to the contract, at least a party to that con-

tract by you as the general contractor in order for you to protect yourself against me. Is not that true?

Mr. DAVENPORT. I do not think it is.

Mr. STANLEY. He takes his contract subject to the pains and penalties of the original form.

Mr. DAVENPORT. The party takes his subcontract, and if the other party does not pay him he goes into the State court, and it is not within the power of Congress to keep him out of it.

Mr. HUNT. Pardon me a moment. Suppose that I subcontract with you to build a screen. You are the general contractor. The inspector comes along and finds something wrong with that screen. Hunt goes to Mr. Davenport for his pay. Davenport says, "I can not pay you for that screen; the Government inspector refuses to receive it. Under your agreement with me you accepted the responsibilities of the inspection, and until you satisfy the Government, Mr. Hunt, I can not pay you for that screen."

Mr. DAVENPORT. If stipulations of that kind are put in the contract, of course it is so.

Mr. HUNT. Are they usually put in?

Mr. DAVENPORT. I can not say.

Mr. RAINEY. If this bill should become a law, your idea is that the violation will probably be by some subcontractor who employs the labor, if there is any violation?

Mr. DAVENPORT. There may be no violation of it.

Mr. RAINEY. If there is any violation it will be by the subcontractor who employs the laborer? He will be the man who is amenable to this penalty?

Mr. DAVENPORT. Who?

Mr. RAINEY. The subcontractor.

Mr. DAVENPORT. No, sir; this law relates only to the contract between the contractor and the Government.

Mr. GOEBEL. Except that the contractor——

Mr. DAVENPORT. Could protect himself.

Mr. GOEBEL. Could protect himself.

Mr. DAVENPORT. Protect himself the best he can. But he can not protect himself so that the subcontractor can not go into a court and according as the jury finds, recover. You know that not only could he say that he had not broken his contract, but that if he had, the other party had waived, by some conduct or other, the stipulations of it.

Mr. STANLEY. Do they not labor under these same hardships now? For instance, a contractor agrees to build this office building, and he agrees to put a certain kind of stone in it, and he goes to the subcontractor and contracts for the stone, and this man goes to a third man for the cutting of it, and that is done in the State of New York. The inspector refuses to take the stone, and the fifth contractor sues the man just above him for the delivery of the stone.

Mr. DAVENPORT. Yes.

Mr. STANLEY. He might recover for the stone.

Mr. CONNER. I desire to call attention to the fact that it is now 12 o'clock and the House is calling us.

(At 12 o'clock m. the committee adjourned until Monday, May 27, 1906, at 10.30 o'clock a. m.)

COMMITTEE ON LABOR,
HOUSE OF REPRESENTATIVES,
Monday, May 28, 1906.

The committee met at 10.45 o'clock a. m., Hon. John J. Gardner (chairman) in the chair.

STATEMENT OF MR. DANIEL DAVENPORT—Continued.

Mr. DAVENPORT. Mr. Chairman, Mr. Cowles, of Cleveland, who is himself a contractor, as well as a subcontractor, for Government work and who also represents the National Metal Trades, desires to make a short statement, and he can not be here to-morrow, and with the permission of the committee, after going on for a while, I would like to suspend my statement in order to give him an opportunity to fit in his.

The CHAIRMAN. Perhaps it would be equally agreeable to let him get his in now, and then you have the time remaining, so that there would be no question about his finishing his statement.

Mr. DAVENPORT. Which do you prefer, Mr. Cowles?

Mr. COWLES. I will do anything that is agreeable to the chairman and yourself.

Mr. DAVENPORT. How long a time do you want?

Mr. COWLES. I think twenty minutes or a half an hour would cover anything that I have to say, without questions.

Mr. DAVENPORT. After I have said a few things that I have to say I will suspend and give Mr. Cowles an opportunity to make his statement, and if there is any time left after he finishes I would like to continue and discharge my obligations in this matter.

Mr. Chairman, I was calling attention the other day to a remarkable outcome of the reference of the bill that was pending last year to the Secretary of the Department of Commerce and Labor. The interpretation of the law adviser of that official who construed this bill, or rather the bill which was referred to them, which contains the same provisions as this bill, was that it did not apply to any of the public works of the United States that are covered by the act of 1892. I do not know whether your attention has been called to that fact. I knew how familiar you were with these matters.

The CHAIRMAN. Please state that again.

Mr. DAVENPORT. The solicitor of the Department of Commerce and Labor, being called upon by the Secretary of Commerce and Labor to advise them as to the scope of the bill, which was referred to them, expressed the opinion that it did not cover any of the works or contracts which were embraced within the act of 1892. In other words, all contracts which are made for the erection of public buildings, custom-houses, and light-houses, river and harbor work, the Panama Canal, work done for the District of Columbia are not covered by this bill, and it does not apply to them in any way.

The CHAIRMAN. I have not seen any such opinion.

Mr. GOEBEL. But the act of 1892 does apply to all those?

Mr. DAVENPORT. Yes, sir.

Mr. GOEBEL. And the purpose of this bill is to include all that has not been included.

Mr. DAVENPORT. That is not the opinion.

The CHAIRMAN. The language is, "Nothing in this act shall be construed to repeal or modify."

Mr. DAVENPORT. Yes; and the effect of that is to except from the operation of this bill, according to the opinion of the solicitor, all such matters.

The CHAIRMAN. That might be so in the opinion of the solicitor. That would not be so in New Jersey. To "repeal or modify" does not prevent the extension or limit it.

Mr. DAVENPORT. I drew attention to the fact of the peculiar phraseology of this bill and the many uncertainties pertaining to it, and that is one. Now, I want to call the attention of the chairman to this——

Mr. NORRIS. I think you brought that out at the last hearing.

Mr. CONNER. The chairman was not here at the last hearing.

Mr. NORRIS. Oh, yes.

Mr. DAVENPORT. Mr. Gardner was not here. The Secretary of Commerce and Labor said:

It should be stated in this connection that the solicitor of the Department supplemented the report made in the above letter by a verbal statement to the effect that, according to his interpretation of the last sentence in the bill, the contracts falling within the scope of the law of August 1, 1892, would not be affected in any way by the proposed bill, but would continue to be governed by the provisions of that law.

That was evoked by the statement in the letter of Mr. Hanger, the Acting Commissioner, to the solicitor, in which he called attention to this. He said:

It would seem necessary, also, to consider the effect of the last sentence in the bill, so far as it concerns the law of August 1, 1892. Should this sentence add nothing to that law, it would probably remove from the "articles and materials" to be covered the items of public works (*a*), (*b*), and (*c*) referred to above. I am not able to find, however, that this conclusion was reached by anyone testifying before the committees. On the other hand, it was suggested that it might add to the act of August 1, 1892, the penal clause contained in the present act. The words "repeal or modify," however, contained in the last sentence of the bill must be carefully considered in this connection. A copy of the law of August 1, 1892, is transmitted herewith.

The CHAIRMAN. Let me ask you this right there: I agree with the solicitor on that, that as to the work done upon the public works of the United States, all that this act was intended to do as to those public works or those contracts was to reach over onto the adjoining lot. There has been no complaint from any source of the working of the act of 1892 on public buildings and public works, save one, that contractors rent the adjoining property, and a large part of the work is done on that leased ground, and being done on that leased ground is held to be free from the act of 1892, because it is not done on the public works of the United States.

Mr. DAVENPORT. Mr. Chairman, the point is here: Is it your intention, or is it your construction of this act, rather, that if the government of the District of Columbia shall hereafter make a contract or the Government of the United States shall hereafter make any contract for public works in the sense in which it has been used here, that the contractor would have to sign a contract with a stipulation of this kind in it?

The CHAIRMAN. Beyond question.

Mr. DAVENPORT. That is not the——

The CHAIRMAN. The act of 1892 is a penal statute imposing penalties for doing certain things. It says nothing about any contracts. It is all said when it is said that it is a naked penal statute. This act provides that every contract hereafter made on behalf of the District of Columbia, etc., shall contain these clauses.

Mr. DAVENPORT. I understood that that was the construction put upon this act by those who drew it and favored it, and that it was the construction put upon it by those who were opposed to it; but the solicitor of the Department says that this proposed law does not apply in any way to those contracts. Those contracts that are covered by the act of 1892 are not touched.

Mr. GOEBEL. Now, grant that; what of it?

Mr. DAVENPORT. The point that I was making in connection with this, as in very many other respects that I will call your attention to, was that this act as it stands is so obscure that it would be impossible of practical enforcement by the officers of the Government to whom you are giving these instructions. The first question that will arise is, What does this act mean? Now, of course everybody that deals with the Government has got to have these matters settled, and they have got to act upon it. If it does not apply to that lot of contracts, it does not accomplish the purpose which those who are advocating and urging this bill seek to accomplish by it.

Mr. GOEBEL. Then the act of 1892 applies in that instance, does it not?

Mr. DAVENPORT. It does, certainly; but——

Mr. GOEBEL. The purpose of this act is to include these things not included in the act of 1892.

Mr. DAVENPORT. You will observe that the chairman himself, who is as familiar with this bill as anybody, insists that it does apply to those. The practical question is whether this act as it does stand does apply to those contracts. Here you have the law adviser of the Government saying that it does not. If it does not apply, then one of the great purposes that those who advocate this legislation are seeking to accomplish fails. But all the while there is the uncertainty as to whether it does or not. Now, what makes that uncertainty? Because this act provides that nothing in this act shall be construed to repeal or modify chapter 352 of the acts of the Fifty-second Congress, approved August 1, 1892. "To repeal or modify."

The act of 1892 is a very different act from this, because that, in the first place, does not seek to make, of course, the contractor responsible for the sins of the subcontractor; neither does it make him responsible for any act unless it is an intentional violation by the party. You are assuming to direct the officers of the Government as to what sort of a contract they shall draw up and procure to be signed, and the very first thing they are confronted with is the uncertainty as to whether or not this law requires them to put such a stipulation in all contracts that relate to the doing of public work, so called, which of course you might say is the principal part of the Government work.

In the course of my remarks the other day, also, may it please the chairman, I stated to the committee that the terms of this law applied to the contract made by the contractor with the Government; that it did no reach over and attempt to control directly the contracts made between the contractor and the subcontractor, and between the sub-

contractor and the subcontractors with him, and so on; that its provision was that in every contract that was made the contractor would have to stipulate that he would be responsible for all the acts of any subcontractor down the line, or the agents or employees of such subcontractor, and the question arose, How would the contractor protect himself from such conduct, forbidden by this bill, on the part of his subcontractor, his agents or employees, or his subcontractor or agents or employees?

Mr. GOEBEL. In what respect does this provision differ from any other provision in the contract?

Mr. DAVENPORT. Let me call the attention of the committee to that remarkable distinction. He would either have to insert a clause in his contract with his subcontractor, stipulating that the amount of moneys that he was to pay over to the subcontractor should be held back to meet the amount of any penalties that were incurred by such subcontractor, or his subcontractor, and so on, or he would have to exact from that party a bond that he would pay, that he would hold harmless and reimburse, the contractor. Now, there is this great difference, that no man can tell the amount of the penalties which the subcontractor may make the contractor liable for.

It may be that the subcontractor undertakes to build a machine that is worth $500 for this contractor. He may, in doing that work, incur $5,000 of penalties for the contractor; very easily if he puts men enough at work upon the job at the close of the day to incur this penalty. So that it would be utterly impossible as a business proposition for any contractor to protect himself from the faults and failures of the subcontractor. It might be illustrated, Judge Goebel, if we considered the contractor as, we will say, the main trunk of the tree. It branches out into subcontractors, and then each subcontractor has a lot of subcontractors, and so on. The remotest one in the line in succession may incur a great amount of penalties for a very small part of the work.

Now, the practical thing is that no contractor outside of bedlam would ever sign such a contract, by which he became liable without the possibility of protecting himself. In addition, as I pointed out, the contractor having made this stipulation on the officer of the Government being notified of the fact of such violation, the Government retains this money from the payments to the contractor, and that money remains in the Treasury, and there is no possible way of getting it out.

On the other hand, any one of these contractors or subcontractors is at liberty to bring a suit on his contract with his contractor, the other party to the contract, in the State court, and have the matter tried and determined by a jury; and notwithstanding the fact that the officer of the Government has peremptorily and tyrannically ordered the paying officer—the disbursing officer—not to pay those claims, and he can not get the money out, that jury may find either that there has been no violation by the subcontractor, or the subcontractor of any subcontractor at all, and he would recover in the suit against the contractor, or they could find that that subcontractor had in some cases waived the stipulation in his contract.

So that you put, as I said the other day, the contractor with the Government between the upper and nether millstones, and again I

say that no sensible man, no contractor, would ever make such a contract with the Government. And that brings us around to the question, What is the Government going to do, in conducting its business, if you enact a law of this kind?

Mr. HUNT. One moment, while you are on that point. Could not that subcontractor sue that general contractor, even if there were no violation?

Mr. DAVENPORT. Certainly he could.

Mr. HUNT (continuing). If he saw fit? His right as a citizen would give him the right to sue, would it not?

Mr. DAVENPORT. Yes; of course the contractor can stipulate as against that that the money that he is to pay shall not be paid unless the work comes up to the specifications and all that. But here is something that is wholly outside of that and is wholly uncertain and on a $500 job might amount to $5,000, which the subcontractor might have fastened upon the contractor. And is not the statement too plain for discussion that the effect of such a stipulation as this in the contract would be, if there were nothing else in the matter, enough to deter every contractor having business with the Government from entering into such contracts and to make them cease Government business altogether?

It has been stated here by Mr. Gompers, and it has been stated here very many times before by the representatives of organized labor, that year after year they have been coming to this committee and to the corresponding committee of the other body and begging and entreating and insisting upon legislation of this character. They have put in their proof, they have presented their evidence, they have made their statements, the other side have presented theirs, and yet session after session of Congress has passed by without any action, and Mr. Gompers insists that the time for action is again here.

What has been the reason for the failure to act on the part of Congress heretofore? Has it been because the members of this committee have been hostile to the working people of this country? Everybody knows that that is not so. Is it because the committee of the Senate is hostile to them? Everybody knows that is not so. What has been the reason for it? The reason is that no attempt that has ever been made to deal with this question has ever resulted in anything that is practicable and workable, and no Congressman or no Senator who is not willing to write himself down incompetent has ever deliberately in the end been able to support any legislation or any measure that has been presented to the committees.

The other day I traced a little of the history of this legislation down to 1892, when this act was put upon the statute books to which reference has been made. That bill became at once unsatisfactory to the representatives of organized labor, and from that time to this they have been here demanding action, having in view the compelling of contractors doing work for the Government to work their men upon the eight-hour basis, and I can appeal to the chairman to confirm my statement that every attempt that has been made hitherto by the friends of such a movement has resulted in their falling back in utter dismay as to the legislation sought to be obtained; and I want right now to call the attention of the committee to a very interesting colloquy that occurred in this very room in 1900 between his honor the chairman and Judge Payson.

This occurred on the 15th of February, 1900. Mind you, this was eight years after the act of 1892 had been passed, and during every session of Congress since that time Mr. Gompers and all his friends and sympathizers and allies in politics and out had been endeavoring to accomplish something in this direction. Mr. Payson said:

Before proceeding in an informal way, perhaps it would be better to understand one another. The chairman of the committee announced when I was in my seat that this bill originated in the committee; that nobody had requested to be heard except those he mentioned, and I would be glad to ask the chairman exactly what he meant by that—that this bill originated in the committee—that is, it was the bill that passed the last Congress?

The CHAIRMAN. What the Chair meant precisely by that is this: There is no secret about it.

Mr. PAYSON. There ought not to be.

The CHAIRMAN. There have been bills—certainly a bill, and I think bills—aiming at just what this bill aims at, so far as the intention goes, before the Labor Committee of every Congress of which I have known anything by personal contact. They have always been favored and contested here in committee during the whole of Congress and have generally gone down, I think, for the reason that the fullest discussion of them has seemed to develop the fact that none of the bills, if passed, would accomplish the end at which they have been aimed.

Mr. PAYSON. To wit?

The CHAIRMAN. The reaching of work done for the Government of the United States by contract or otherwise. That has always been the expressed desire of those who have appeared in behalf of the measure, and I think I am correct in saying—Mr. Morrison, I think you have nearly always been present?

Mr. MORRISON. Yes, sir.

The CHAIRMAN (continuing). That the bill has finally met its fate because its friends have become convinced that it would not reach the contracts at which it was aiming. In the last session, a number of such bills coming in, the chairman of this committee was requested to put in form, if possible, and in constitutional form, the objects that had been sought by such attempted legislation through several Congresses. The bill precisely, I believe, in the form, with the exception of what we know as the Lacey proviso——

Mr. PAYSON. I do not remember that.

The CHAIRMAN. It is the one excepting public military or naval works in time of war. So, so soon as the House met this year Mr. Sulzer introduced a bill—

I suppose of like character to the former bills—

and it was a matter of rumor—I might say notoriety—that a flood of such bills was coming in, and it was thought, to avoid all matter of pride of opinion between gentlemen who might introduce this bill, that bill, and the other bill approved by the former Committee on Labor had better be introduced, and as I happened to be chairman of the committee in each Congress, I have introduced it both times. The draft of the bill is mine, the chairman of the committee.

Mr. PAYSON. And, assumedly, the bill which we know as the Sulzer bill is the bill acted upon last Congress?

The CHAIRMAN. No; not the Sulzer bill—6882.

That is the bill before the committee. There you have the history of this legislation down to 1900. I think nobody will dispute the position of the chairman that every time, from 1892 down to 1900, the reason that legislation failed up to that time was that the bills that were urged here, after full and free discussion before the committee, were finally rejected because the friends of the measure themselves were satisfied that nothing could be accomplished by them. Well, we have had a run of six years since then.

Mr. GOMPERS. Just a moment, if I may interrupt you.

Mr. DAVENPORT. Certainly.

Mr. GOMPERS. Do you know that the committee really did report the bill favorably to the House?

Mr. DAVENPORT. Why, certainly.

Mr. GOMPERS. I mean the bill which you say that the committee rejected.

Mr. DAVENPORT. Not the committee. We have the statement of the chairman, acquiesced in by Mr. Morrison, that these bills all failed for that reason.

Mr. HUNT. In the committee or in the House?

Mr. DAVENPORT. The chairman said what I have just read you:

The bill has finally met its fate because its friends have become convinced that it would not reach the contracts at which it was aiming.

Mr. HUNT. In the committee or in the House?

Mr. DAVENPORT. In the committee and in the House.

Mr. HUNT. Both places?

Mr. DAVENPORT. And in the Senate.

Mr. HUNT. If it met its fate in committee, how did it get into the House?

Mr. DAVENPORT. Sometimes they did not report.

Mr. HUNT. Yes.

Mr. DAVENPORT. And sometimes they did report, and it went to the House.

Mr. HUNT. It went to the House?

Mr. DAVENPORT. Not this bill.

Mr. HUNT. Which bill do you speak of?

Mr. DAVENPORT. I am speaking of the different efforts that have been made from 1892 down to this date to accomplish the purpose which the friends of this legislation want accomplished. Mr. Gompers has endeavored to represent before this committee, or has seemed to represent, that they presented the matter here and had insisted upon action year after year and year after year, and by some huggermuggery on the part of the committee or the members of the two Houses, or one house or the other, they had never succeeded.

Now, what I am attempting to demonstrate is that the reason it has always failed up to the present time is that when the bills that have been urged here have been examined, discussed, and argued, and dissected not one of them would ever accomplish the purpose which their advocates wanted; and I have called the attention of the committee to the fact that that was true down to the year 1900.

The CHAIRMAN. I want to say right there, admitting a carelessness there, in that I never revised the record as to any break I might make here, that I never said nor intended to say that as to the bills that went from this committee to the House——

Mr. DAVENPORT. I do not say you said that. I say the bills before the committee.

The CHAIRMAN. Oh!

Mr. DAVENPORT. Now, from 1897 the committee, and you yourself as chairman, took the matter in hand for the purpose of drafting a bill which would hold water, which the friends of the legislation could get enacted, with the purpose of accomplishing the result. What has been the history since then?

Mr. HUNT. What year?

Mr. DAVENPORT. This statement was made in 1900.

Mr. HUNT. Did not a bill similar to this bill here—to the present bill under consideration—pass the House?

Mr. DAVENPORT. Oh, certainly.

Mr. HUNT. In 1900?

Mr. DAVENPORT. I am coming to that.

Mr. HUNT. You are coming to that?

Mr. DAVENPORT. But I am endeavoring to make plain to the committee why any bill that has been considered by this committee or the other committee of the other House was doomed to failure was because of its manifest and utter inadequacy to accomplish any of the purposes which the advocates and friends of the measure sought to accomplish.

The CHAIRMAN. All I want to say at this time is that that language used by me refers to bills introduced prior to that Congress.

Mr. DAVENPORT. Yes.

The CHAIRMAN. And did not refer to the bill introduced into that Congress in 1898.

Mr. DAVENPORT. I am coming to that. I say that from 1892 to 1900 the failures had been due to the trouble with those bills. How has it been since? The learned chairman of this committee, and none is abler, and none has given more thought to this matter, and none shows greater ability than he in dealing with the intricacies and difficulties of this question, prepared a bill; and what has been the fate of that bill? It has been the same fate as attended all the others. It passed the House of Representatives, it was referred to the Senate Committee on Education and Labor, and that committee absolutely tore this bill to pieces, as you will see when you examine their report.

And they evolved what they considered to be a bill that would get around the objections to this bill, after hearing all parties and thinking it over. And those men were not men hostile to labor. The chairman of that committee was almost fanatical in his zeal to secure some legislation of some character bearing upon this subject, no doubt from the best of motives. They prepared another bill, in which they had practically changed this bill completely, and that bill they reported to the other House. That was not acted upon by the Senate, and with the coming in of the last Congress, the Fifty-eighth Congress, the friends of organized labor did not stand any longer upon the bill which we have before us, the bill which had been so carefully drawn; not the bill which is before us, which is this bill.

They have introduced in the two Houses the bill which was the amended Senate bill of the previous Congress, which was as different from this bill as it was possible to be, and they came here and they urged its passage, and by that bill, while it was shown that it got around a great many of the objections that we have here, yet in attempting to get around them they had got themselves into ten times worse difficulties. In seeking to avoid Scylla they had run upon Charybdis. And when it came before this committee and was discussed, then in its changed form, the matter was referred to the Secretary of Commerce and Labor. Well, we know what happened to it there. We know the report that was made.

Now, this committee, as sensible men, before they take a leap in the dark and before they enact a law that is going to affect the business interests of the Government and the great interests of the country, ought to have some idea as to how it is going to work, what will be

the effect of it, what is going to be the effect upon Government business, what is going to be the effect upon those who contract with the United States, what is going to be its general effect upon the business of the country.

Mr. Gompers said here the other day that when this committee solemnly resolved to seek that light they were lending themselves to an attempt to defeat this legislation, and when asked to state the reasons he said, "Why, because those questions can not be answered; it is impossible to answer them." And from that he argued that because they can not be answered that is a reason why the committee should at once go to work and pass the bill.

What are those questions? I submit to you that unless those questions can be answered in a way that would not be detrimental to the Government or the parties who deal with the Government no such leap in the dark as this should be attempted. What was the first question? It was:

What would be the additional cost to the United States of the various materials and articles which it customarily procures by contract which would be governed by the limitations set out in the said bill?

Would you not like to know as to whether it would increase them, and to what extent it would increase them, before you enacted such a bill? Mr. Gompers says you can not answer that question; therefore they want this bill passed. I submit that because such a question as that can not be answered definitely and in a manner to enlighten this committee is an abundant reason why no such legislation as this should be enacted. What did the Secretary of Commerce and Labor say? He said:

It is clearly impossible to give a definite answer to this question. Manufacturers having contracts with the Government have, in answering this question, been practically unanimous in expressing the opinion that there would be an increased cost to the United States should the bill become a law, but just what the increased expense would be has not been definitely shown. On the other hand, it has not been clearly proven whether or not there would be any additional cost in the manufacture of those commodities not affected by the bill. Other influences than that of the hours of daily labor so greatly affect the cost of production that it is impossible at present to ascribe any definite portion of an additional cost to the operation of such a law. No comparative figures are obtainable to show the cost of production and quantity of product per man in establishments engaged in part on Government contracts under an eight-hour day and in part under a longer day upon commercial work, as no such condition now exists. Where definite results have been given by manufacturing establishments such results are presented in tables in the report.

Mr. GOEBEL. Mr. Davenport, do you claim that because the question could not be answered, therefore you have a right to conclude that there would be a loss to the Government?

Mr. DAVENPORT. I say unless you are satisfied that it will not result in increased cost to the Government you ought not——

Mr. GOEBEL. Is it not dependent upon practical demonstration? Because these questions can not be answered, does it therefore follow that you should assume that there must be a loss to the Government?

Mr. DAVENPORT. But that is a question with which you should deal.

Mr. GOEBEL. Is not the difficutly that it could not be practically demonstrated?

Mr. DAVENPORT. So far as this question goes, as to the increased cost, Mr. Gompers says that is a question that can not be answered,

and therefore you should pass the bill. I say that because it can not be answered therefore you ought not to pass the bill.

Mr. GOMPERS. I want to say that I made no such——

Mr. DAVENPORT. I object to being interrupted.

Mr. GOMPERS. Yes; but you have made this statement, misquoting me entirely. I did not intend to interrupt you, but when you repeated it I could not longer restrain myself in asking to be heard for a moment.

Mr. DAVENPORT. If I have misrepresented you in any way——

Mr. GOMPERS. I say that for the reason that this question can not be answered, therefore this committee should report the bill, and the bill should pass. I said that it was an economic proposition that no man could answer definitely and absolutely, and what I urged was that the history of industry demonstrated beyond peradventure of a doubt that wherever and whenever the hours of labor have been reduced the cost price of the finished article has been lessened by reason of the fact of the introduction of new processes, new machinery, and new power, which has increased the productivity of the laborer with the machine, thereby lessening the cost price of the finished product; and that is without a break the history of industry wherever the hours and whenever the hours of labor have been reduced.

And the inference that I wanted the committee to draw, and which I drew, was that a reduction in the hours of labor, the establishment of the eight-hour workday, would not increase the cost to the Government of the United States for those things for which it contracts: that it would not involve an increased cost for the articles for which the Government would contract.

Mr. DAVENPORT. Mr. Gompers contends that the reduction of the hours of labor would not increase the cost of articles to the Government. Now, what I say is, before you pass a law of this kind you ought to know whether or not it will. If you are not sure that it will not, it is a reason why you should not pass the bill. And so of each of the other questions. The second question is:

What damage, if any, would be done to the manufacturing interests affected by the provisions of the bill, if enacted?

To this the Secretary answers:

This inquiry can not be answered definitely for the same reasons as are stated in connection with the first inquiry.

As to whether they would be affected, and as to the extent to which they would be affected, no man has advised the Secretary. No man has advised the Secretary, except for the general statement on the one side that in the opinion of those who advocate this bill it would not hurt them. On the other hand I have here that class of letters sent to this committee by the most intelligent men in the country to the effect that it will.

My point is that it is not enough to say that we can not answer these questions, and therefore you should enact a bill of this character; but you ought to be clear in your minds that it does not hurt them.

The third question is:

Whether manufacturers who have heretofore furnished materials and articles to the Government under contract would continue to contract with the Government if such contracts were within the peremptory eight-hour limitation provided by the said bill?

The fourth question is:

What would be the effect of the enactment of said bill upon the shipbuilding industry?

To that the Secretary's answer was:

This inquiry offers the same difficulties when a reply is sought. According to the opinion of the solicitor, this industry would probably be the principal one affected by the bill, and it is impossible to forecast the effects of its enactment upon such establishments in this industry as are under contract with the United States Government or upon those establishments which are not under contract.

The fifth question is:

What would be the effect of the enactment of said bill, if any, upon the export trade of the country?

To this the Secretary answered:

This inquiry is likewise not susceptible of definite reply.

The sixth question is:

Are the laborers of the country, organized and unorganized, who would be affected by the proposed legislation, willing to have taken away from them the right to labor more than eight hours per day, if they desire to do so?

To that he answers:

This question has already been answered by the representatives of organized labor who have appeared before the committee from time to time. As regards the desire of unorganized labor in the matter, it is doubtful whether the individual wage-workers of the country would be able to make reply to the inquiry, unless they were more denitely informed as to the respects in which they would be affected by the proposed legislation.

The seventh question was:

What effect will the proposed legislation have, if any, upon the agricultural interests of the country?

To this he answered:

The same difficulties are met with in this question as with the preceding questions, when a definite reply is attempted. It is apparent that the effect would be indirect in nature, but the extent to which these interests would be improved or damaged, or whether they would be affected at all, can not be stated.

Now, the point is here: These are questions which every honest man, every faithful servant of the people, everybody who is interested in the welfare of this country, ought to have answered affirmatively before he could safely, wisely, and judiciously take this step. And when Mr. Gompers heretofore, as now, has said that notwithstanding the fact that no man around this table can tell the effect in its different respects, nevertheless they want this bill passed, and that because the committee sought light from the Secretary of Commerce and Labor they were lending themselves to an unfair mode of defeating this measure, I say that it is not warranted by the facts.

Another thing that I want to say, another word or two, before I give way to Mr. Cowles. Is it or not true that the different contractors of this country would cease to make contracts with the Government? That is a very important question, of course. You recognize the fact that the United States Government has to have an infinite number of articles and things.

It can not itself manufacture them. If it undertakes to build a ship, or if it undertakes to build a gun, it has got to resort to contracts

with people to furnish the things that they use in the manufacture. It is impossible for the Government itself to carry on this business, the business of the different persons that contract with the Government. On the other hand, there is not a concern in this country that can exist exclusively upon Government business. Contracts are too uncertain. The proportion that the amount of the work of any particular concern bears to their total output is insignificant except in case of the shipbuilding industry.

Every concern in this country which deals with the Government has got to depend upon commercial business as well as upon Government business. That is too plain for argument. The next is too plain for discussion, it seems to me—that the necessary result of the enactment of this bill would be either to force those concerns that do deal with the Government to go to an absolute eight-hour basis in all their business or to decline Government work.

Mr. HUNT. What hours are they working now?

Mr. DAVENPORT. Nine and ten.

Mr. HUNT. What would be the average—nine and a half hours?

Mr. DAVENPORT. Oh, it is nine and ten. I can not say the average, but it is over eight. Now, they have got to do one of two things if this bill becomes a law, unless you emasculate the bill, as was done in the Senate committee, by putting in the words "upon such work." They have got to come down to the eight-hour basis or else they have got to decline Government work. Why? Do you propose to reduce the men who are put only upon eight hours a day to 20 per cent less pay than the other people?

Mr. GOEBEL. Are not the majority working upon piecework?

Mr. DAVENPORT. It does not make any difference whether it is upon piecework or not; this bill applies. Mr. Gompers says, "No; we do not intend to cut down their wages." Well, what is going to be done with the people that work ten hours in the same factory? Are they going to work for the same as the other man, or are they going to have their pay reduced to that of the other man? You have got to come to the basis of wages.

Mr. HUNT. But, Mr. Davenport——

Mr. DAVENPORT. Let me finish this.

Mr. HUNT. Yes; sure.

Mr. DAVENPORT. Now, you have got, you see, from the wages proposition alone a necessary condition that you have got to have your work all on the eight-hour basis. But, further than that, there has got to be in the organization of that industry, of that plant, from necessity, an eight-hour limitation as to all employees, because you can not practically run part of the plant on an eight-hour schedule and the other part on a nine or ten hour schedule; and that is conceded by Mr. Gompers; and that is the reason, he says, they want to have this law passed—because it will force them to go to the eight-hour basis.

Mr. HUNT. Now, will you get through pretty soon on this line?

Mr. DAVENPORT. When I do finish it I will let you interrupt me.

Mr. HUNT. Will you give me an opportunity to put this question to you right now?

Mr. DAVENPORT. Not now.

Mr. HUNT. Not now?

Mr. DAVENPORT. But immediately after I finish this. Now, can a concern that does this——

Mr. HUNT. You are taking up a new train of thought right there, are you not?

Mr. DAVENPORT (continuing). Run in competition with the concern that runs nine or ten hours?

Mr. HUNT. You are taking up a new line right there. Let me ask you this: What percentage of the industrial classes are represented here by Mr. Gompers, according to your opinion?

Mr. DAVENPORT. According to my idea, a very small proportion of them.

Mr. HUNT. What would you say as to the proportion?

Mr. DAVENPORT. I said here two years ago that I represented more workingmen than he did.

Mr. HUNT. What concerns do you represent?

Mr. DAVENPORT. The concerns that I represent represent an enormous number.

Mr. HUNT. In your opinion——

Mr. DAVENPORT. I do not want to be diverted from this point.

Mr. HUNT. I am looking for information, and you are here to give it, if you are here at all.

Mr. DAVENPORT. Yes; pardon me.

Mr. HUNT. I respect your position and you must respect mine.

Mr. DAVENPORT. Oh, I do.

Mr. HUNT. I asked what percentage of the industrial classes were represented here by Mr. Gompers.

Mr. DAVENPORT. I think a very small per cent.

Mr. HUNT. What would you say; would you say 6 per cent or 8 per cent?

Mr. DAVENPORT. I should say not.

Mr. HUNT. Would it be 5 per cent?

Mr. DAVENPORT. It is my opinion—I should guess less than that.

Mr. HUNT. You guess about 5 per cent?

Mr. DAVENPORT. Hardly that.

Mr. HUNT. Would it be 4 per cent?

Mr. DAVENPORT. Well, I do not know.

Mr. HUNT. What do you think it would be, about 4 per cent?

Mr. DAVENPORT. Possibly.

Mr. HUNT. Possibly 4 per cent. Now, what I want to get at is this: In view of the fact that Mr. Gompers represents 4 per cent of the industrial classes, and this committee, a majority of it, represents about 1½ per cent of the Congress of the United States, you want this committee to throttle this bill with 1½ per cent of its representative power left from consideration thereof, according to your own calculation, admitted figures of this man here [indicating Mr. Gompers]. who represents about 4 per cent.

This committee, seven of them constituting a quorum, out of about 476 members of the House and Senate would make a percentage of 1½ per cent, and you ask 1½ per cent of the Congress of the United States to throttle this legislation.

Mr. DAVENPORT. I ask this committee, as well as all other committees of the House, to give any matter before them careful investigation.

Mr. HUNT. Every communication that I have received here is begging me not to report this bill.

Mr. DAVENPORT. I suppose they have a right to petition you not to report the bill.

Mr. HUNT. Yes.

Mr. DAVENPORT. But this is the point, gentlemen of the committee: Nine-tenths of the work that is done for the Government, apart from the work upon public buildings, is machine work, and it is plainly demonstrable that a man running a machine for eight hours a day can not produce as much as a man running it nine and ten hours. They start together and work, one eight hours and then the others continue on. The machines running eight hours can not do an equal amount of work. Consequently no concern doing commercial work in this country can compete one on the eight-hour basis with one on the nine and ten hour basis.

The CHAIRMAN. I understood you to say that this gentleman is waiting here who can not be heard to-morrow.

Mr. DAVENPORT. Yes.

The CHAIRMAN. You are doing him an injustice.

Mr. DAVENPORT. I will stop now.

Mr. HUNT. I would like in the intermission to submit a paper which was submitted to me by Captain O'Brien.

The CHAIRMAN. This gentleman here wants to be heard.

Mr. HUNT. I just wish to submit this and hand it to the stenographer. You will recognize this, Mr. Chairman? You are in the chair. It is a petition of the American Pilots' Association, with some resolutions, which has been sent to me by Capt. J. Ed. O'Brien, of Pensacola, Fla., president of this association.

The CHAIRMAN. If there is no objection on the part of the committee, it will be included as a part of the record.

Mr. HUNT. Now, I want to say that in five minutes I will move that this committee go into executive session, Mr. Chairman.

STATEMENT OF MR. W. B. COWLES, OF CLEVELAND, OHIO.

Mr. COWLES. I am vice-president of the Long Arm System Company, of Cleveland, Ohio.

Mr. NORRIS. If you gentlemen will permit an interruption——

The CHAIRMAN. Mr. Norris.

Mr. NORRIS. I spoke to the chairman and said that I would have to leave a little before 12 o'clock, as I have to be in the Supreme Court of the United States, and it will be necessary for me to go, I think, now, as it is nearly 12 o'clock.

(Mr. Norris here left the room.)

Mr. COWLES. I also represent the National Association of Manufacturers and the National Metal Trades Association. I have only a few words to say, and not in any analytical discussion of this bill.

Mr. GOEBEL. What is the Long Arm Company?

Mr. COWLES. The original cause and reason for the existence of the Long Arm System Company was to manufacture electric power doors and hatches for the preservation of ships. It now has a lot of other business besides, and it is a contractor with the Government and a subcontractor for Government work on battle ships and cruisers and for ship fittings, as well as the power doors.

I can speak for my associates, the two national associations mentioned, and say without any hesitation that those of them who are

Government contractors and subcontractors will not attempt, any further than they have done already, to analyze or discuss or protest against this bill. They have protested against it strongly already. They simply will not—those of them who can possibly get out of it—continue doing Government work under any such impossible proposition. Any man who is a business man of affairs and who knows the manufacturing business would not attempt to run his work under any such impossible conditions.

He would simply cut it out and say, "Life is too short." You heard, I think you must have heard, all of you, the reasons from the manufacturers why. You have heard a lot of reasons on the other side from gentlemen who know one side of it and who undoubtedly are honest in their own opinion. But they can not see both sides of it. Now, you are doing something by this bill that will immensely increase the cost of Government work, and the people have got to pay for it. But that is only one part of it. Maybe the people will pay for it without a kick; but the manufacturer is going to withdraw largely. The result will be unquestionably that Government work by contract will be done by a very much less number of people.

The Government will not get the competition that it gets now, and the natural result will be that in every line you will have fewer manufacturers, less competition, and finally no competition, and the Government will be in the hands of a few who can charge it what they please, instead of having wide-open competition, as there is now. Government work—and I say it as a Government contractor—is not so attractive now, even, as to lead one to take on more burdens in connection with Government work. One more straw on the back of the Government contractor, and I speak feelingly, will make him cut it out.

Mr. RAINEY. Is it not true in your business, the manufacture of electrical supplies——

Mr. COWLES. Electric-power doors especially, but ship fittings also.

Mr. RAINEY. Yes. Is it not true that in that business the great factories in Germany have in the last few months adopted an eight-hour day?

Mr. COWLES. I am not sure about that, but it has not come to my mind to any large extent; very small, I think.

Mr. RAINEY. Are they not working their men on shifts eight hours?

Mr. COWLES. Let me answer right there. I think—pardon me. You go ahead and finish, and then I will answer.

Mr. RAINEY. Do you know whether the Westinghouse Company manufacture in England now?

Mr. COWLES. In a general way I do; at Trafford Park, I suppose you mean.

Mr. RAINEY. I want to ask for my own information.

Mr. COWLES. They manufacture machinery and largely trolley work and electrical work and power plants.

Mr. RAINEY. Is not it the same stuff that you manufacture?

Mr. COWLES. No, sir; it is largely different.

Mr. RAINEY. Is it not true that in the last few weeks the English branch of the Westinghouse Company has lost a contract of a million dollars in the attempt to compete with a German company manufacturing the same supplies and working on an eight-hour day?

Mr. COWLES. I do not think it has anything to do with an eight-

hour day. The Germans do not win by an eight-hour day. They win by cutting the prices of the material and the labor. The material is away down, and labor is away down. It is not on account of the eight-hour day at all. They are beating the earth, but it is by cutting the prices of material and of labor.

Mr. RAINEY. I have a statement of the manager who went over to reorganize the Westinghouse Company a week ago to that effect.

Mr. COWLES. On that point, in comparing the eight-hour product in a manufactory where they build thousands of things of the same kind, and applying it to Government work and Government contracting, there is a big difference, and it does not apply at all.

This reduction of costs in manufacturing applies in fields such as trolley work, or such as railway motor cars, where there are thousands, yes, millions of them to be made, and where they can apply such machinery. But in Government contracting work you can not do anything of that kind, because the field is not big enough. It is comparatively small; it is always small when it comes to the machine work, and usually special.

Mr. BARTHOLDT. Do your men work by the day, or do they do piecework?

Mr. COWLES. They work by the hour.

Mr. BARTHOLDT. By the hour?

Mr. COWLES. By the hour.

Mr. BARTHOLDT. And you say that the cost to the Government would be increased?

Mr. COWLES. Undoubtedly.

Mr. BARTHOLDT. By this bill?

Mr. COWLES. Yes, sir.

Mr. BARTHOLDT. Would you not, for instance, reduce wages in proportion to the time they worked?

Mr. COWLES. I would pay by the hour. If they worked eight hours a day they would get eight hours' pay, and if they worked ten hours a day they would get ten hours' pay. You can not get something for nothing.

Mr. BARTHOLDT. How would the cost be increased to the Government under this bill?

Mr. COWLES. The cost of the labor would be increased by the reduction of the hours to a large extent on everything that was a fixed charge.

Mr. BARTHOLDT. If you pay only for eight hours, you only charge for eight hours.

Mr. COWLES. But that is only a very small part of the increased cost of that establishment of mine, even if I pay the eight-hour day and not the ten-hour day for the eight hours on Government work. See the position that it puts me in. Say that I have $100,000 of Government contracts and $100,000 worth of private contracts. I am forced to choose—because, as I have said to some people, I will not consider this impossible proposition of trying to do eight hours' and ten hours' work in the same place—I will have to choose between the eight-hour and ten-hour work.

Mr. HUNT. Are you working ten hours now?

Mr. COWLES. Ten hours for five days in the week the year around, and a Saturday half holiday for the people, winter and summer.

Mr. HUNT. Working the ten hours does not involve any additional expense, does it?

Mr. COWLES. If you are a manufacturer, you know that it does involve an enormous expense, even if you do not pay for but eight hours a day for eight hours' work. Of course in every manufacturing establishment there are many men by the year, and all your fixed charges, all your overhead charges, go on, and your earning capacity is cut down by 20 per cent, and if you are a Government contractor you have got to cut out Government work, or if you are doing private work you have got to cut out the private work and do Government work purely. I do not care to discuss it. It is not a thing that is reasonable to discuss from a business man's standpoint, this question of whether or not you can do eight and ten hours' work in the same establishment, which any man must know, as a business man and a practical man, that you can not do.

Mr. HUNT. Have you not admitted that there are some men paid by the day and some paid by the hour?

Mr. COWLES. There are in every establishment.

Mr. HUNT. You are able to do that, are you not?

Mr. COWLES. Certainly. You pay a lot of them, engineers and the helping force, by the day or by the month.

Mr. HUNT. Pardon me, but my reason for saying it is that there was a time when I had men working for me, and some of them through lack of an organization did not work eight hours, and some more of them did. It was found to be practicable to get the additional hour or two from those men who were not in a position to exact the shorter hours.

Mr. COWLES. Do I understand you to say that if this bill passed, and I had the work in my own place, that I could work some of the men eight hours on this bill and then switch them for the balance of the time onto other work?

Mr. HUNT. It is not within my power or within the province of my thought to know what you are capable of doing. I simply tell you something that has been done. Men have worked ten hours in shops where a major part of them worked only eight hours for a time.

Mr. COWLES. I say that it is not a systematical thing to do, and we must run our business on systematic lines or fail.

Mr. HUNT. That, of course, is according to our own notions of what is systematic.

Mr. COWLES. There is only one notion about systematic procedure.

Mr. HUNT. You are a practical manufacturer?

Mr. COWLES. I am.

Mr. RAINEY. And understand about machinery?

Mr. COWLES. Yes.

Mr. RAINEY. Is it not true that machinery deteriorates more rapidly when it is not being run than when it is being run?

Mr. COWLES. Yes.

Mr. RAINEY. Does it not rust out more rapidly when it is standing idle?

Mr. COWLES. Yes.

Mr. RAINEY. Yes. Now, in view of the immense amount of money invested in our American plants, how does it happen that you gentlemen who are manufacturers, and who are so industriously opposing this eight-hour proposition, do not take into consideration the ad-

visability of running your plant the whole twenty-four hours, in three shifts, as the Germans are now doing?

Mr. COWLES. My dear sir, that has been carefully considered by myself and by men who are very much more able than myself, and they have turned down the proposition because almost always the work on a machine involves and necessitates the continuous mind on the individual machine. You can not break off at eight o'clock or at noon with Tom Jones and put Dick Robinson onto that same thing and make your plant run properly on most kinds of machinery. If you are manufacturing cement you could do it, or if you are making bricks you can do it, but not with machines.

Mr. HUNT. If Tom went on strike you would soon get Dick to take his place?

Mr. COWLES. I would do everything in my power to get the other man to take his place.

Mr. GOMPERS. You would probably have a union shop?

Mr. COWLES. No, sir.

Mr. GOMPERS. You would have a union shop instead of an open shop?

Mr. COWLES. Never, as long as you live and I am an American citizen.

Mr. RAINEY. Is it not true that the German factories within the last six months, conducting their business on the eight-hour basis, are now capturing the English markets as against our own American companies?

Mr. COWLES. My dear sir, there is no more comparison between Germany and America on the hour basis——

Mr. RAINEY. Well.

Mr. COWLES (continuing). Because you have materials, and you have the price of labor, and you have got the tariff, and how can you compare on the hour basis? Also you have got living expenses different. The two things are almost as different as night and day, and they are very different between Germany and England, and any man who tried to make these comparisons on one basis alone is going to lead himself astray, it does not make any difference how smart and how honest he is.

If he will not look at all of it, but only at one thing, he is going to come to a wrong conclusion.

Mr. BARTHOLDT. What are your men making?

Mr. COWLES. From 24 to 30 cents an hour.

Mr. BARTHOLDT. From 24 to 30 cents an hour?

Mr. COWLES. Yes, sir. Some of them make above that. The average run in there.

Mr. BARTHOLDT. Do you know what the wage in Germany is in the same line?

Mr. COWLES. I did know, and I have got the comparative tables, but I can not recall now. I would not venture to guess from memory.

Mr. BARTHOLDT. Is it as high as ours?

Mr. COWLES. Nowhere near as high for the same mechanics. The wages are less than half.

Mr. BARTHOLDT. Less than half?

Mr. COWLES. Yes, sir. I know that from my own connections in business over there.

Mr. RAINEY. Do you know what the living expenses over there are as compared with those here?

Mr. COWLES. They run very much in accordance with the difference in wages. The living expenses are very low there as compared to our living expenses.

Mr. RAINEY. Then merely the wages, taking that into consideration, are about as high?

Mr. COWLES. The amount of product or output which you can buy in Germany for a mark is not very far different from what you can buy here for 50 or 60 cents, a mark being 24 cents. No; a mark is 25 cents.

Mr. BARTHOLDT. You were right in the first place; it is 23$\frac{11}{12}$ cents.

Mr. COWLES. Yes, that is right; it is 24 cents. It is the 96-cent dollar, the 4 marks. Those comparisons have always been, to my observation, misleading, usually because they are made to bring out a certain result.

The CHAIRMAN. What do you mean by the different grade of living? Do you mean that you can buy as much of the same thing—that a man can live as well?

Mr. COWLES. No, sir; I mean that they live according to their traditions and the surrounding conditions that they have always been used to. I do not think that the German machinist, for instance, lives as well and has as many luxuries as the machinist in America has. That is a part of the gain. He gets more for his living.

Mr. RAINEY. You do not mean to say that the Germans for the last several hundred years have not developed the best type of citizens, do you; the best type of men?

Mr. COWLES. That is going a good deal into statecraft, which I would not attempt to answer. I do not think that Germany has remained steadfast and backward by any means. I think that she is one of the best and most progressive countries on the earth to-day. But she does not do it by running eight-hour shifts.

Mr. RAINEY. She has just commenced that in the last six months.

Mr. COWLES. Then it is too early to draw any conclusions. You can not judge of it in six months.

Mr. RAINEY. She has captured the English contracts now.

Mr. COWLES. But she did not do it in that way. Five years ago a certain German gentleman in Hamburg was selling forgings and making money. To-day he is selling those same forgings and making them in Germany, in Glasgow. Up to five years ago they were manufactured in England and sold in Germany, and now they are manufactured in Germany and sold to England. But that is not because of the hours of work per day. There are reasons far more important than the hours of work per day which hold good and made that change. Gentlemen, I only want to say that the manufacturers' end of this thing, his view of it, is that this eight-hour bill is absolutely rotten, and it will not work.

Mr. GOEBEL. To what extent are you a Government contractor—just in round figures?

Mr. COWLES. In 1904 I did, for instance, over $600,000 worth of work for the Government. That is a small subcontracting proposition, both direct and indirect, through the shipbuilders, and——

Mr. HUNT. What was that amount?

Mr. COWLES. A little over $600,000.

Mr. HUNT. In the last year?

Mr. COWLES. No, sir; that was in 1904. Not nearly so much in the last year. Shipbuilding has not been so much in 1905. I have switched off onto other work, and am preparing to switch off more, so that if this bill should pass I can give up Government work entirely.

Mr. HUNT. If the question is not impertinent, what proportion of your total output in that year would this $600,000 form?

Mr. COWLES. That year it was most of the total. But before that and since that the Government work has been the minority of the total, and I hope that it will become more and more in the minority.

Mr. HUNT. Is it the severity, or the——

Mr. COWLES. It is not the severity. My training is such that I admire the martinet; but I want him to be fair.

Mr. HUNT. Which is pretty hard to find in the average inspector.

Mr. COWLES. I have known some of the inspectors who were just as fine men as ever came down the pike, and I have known others who were honest but did not know their business.

Mr. HUNT. That is true, too.

Mr. COWLES. Now, the man who does not know his business is a pestilence everywhere.

Mr. HUNT. That is true, whether he is taking Government contracts or private contracts.

Mr. COWLES. Yes. Mr. Chairman and gentlemen, I am very much obliged to you, and if you have no further questions, I have finished.

Mr. CONNER. I desire to offer a communication which I have here from Mr. O. M. Brockett, of Des Moines, Iowa, who represents the State Manufacturers' Association of the State of Iowa and the Business Men's Association of the city of Des Moines, who says that he wants to be heard. He does not say whether he is interested in Government contracts or not.

Mr. GOEBEL. I think you also got one of those communications, Mr. Chairman.

The CHAIRMAN. We have a load of applications here. I have not laid them before the committee. They ask for hearings. They do not state the nature of their interests.

(At 12.45 p. m. the committee adjourned until to-morrow, Tuesday, May 29, 1906, at 10.30 o'clock a. m.)

Mr. Chairman and gentlemen of the committee, I appear before the committee for the purpose of presenting to you the following credential, which has been sent me by the labor organizations of my home city, Pensacola, Fla., and also a set of resolutions signed by the leading officials of the representative organizations which met in join session and adopted them unanimously.

I desire to say that I feel honored in being privileged to appear before your committee and to represent the people that I do, knowing them personally and also knowing that they comprise a large part of the best citizenship of the city of Pensacola and the State of Florida.

There have been numerous speeches and remarks made upon the question of what is known as the eight-hour bill, so that it has been thrashed out, especially from the standpoint of the wage-earners, to such an extent that it would not be right for me to take up the time of the committee on what might be my private views, but I will simply say that I coincide with such men as Hon. Samuel Gompers, president of the American Federation of Labor, and I

am sure that the gentlemen whom I have the honor to represent here to-day feel that whatever President Gompers might say on this question is what they want.

I appreciate that by this time all the members of the committee understand the question thoroughly, and I therefore wish to thank them for giving me the opportunity of presenting these resolutions, which embody the wishes of my friends and fellow-citizens in Pensacola, Fla.

J. ED. O'BRIEN,
President American Pilots' Association, Pensacola, Fla.

PENSACOLA, FLA., *May 16, 1906.*

THE HOUSE LABOR COMMITTEE:

We, the different labor organizations of the city of Pensacola in convention assembled this date, do hereby appoint the Hon. J. Ed. O'Brien as our representative to represent our side of this question and to use every endeavor to make a favorable report upon any eight-hour bill that may be pending before your honorable body at present.

JAMES M. JOHNSON,
Chairman.
DAN. MURPHY,
Secretary.
SAM. B. FLYNN,
Assistant Secretary.
S. A. MANLY.
FRANK J. RIEW.
JOHN O'BRIEN.
THOS. JOHNSON.
W. B. PAUL.
P. MCLELLAN.
W. A. WATTS.
A. L. MCCLIVE.
J. B. WILTERS.
J. T. MITCHELL.
W. E. ROWLAND.

PENSACOLA, FLA., *May 16, 1906.*

Whereas, in view of the fact that the National Association of Manufacturers of the United States of America, through it officers, D. M. Parry, president; F. H. Stillman, treasurer, and Marshall Cushing, secretary, are praying through confidential letters to commercial bodies and business men throughout the country to use undue influence against the eight-hour bill now before the House Labor Committee,

Be it resolved, by the labor organizations of Pensacola, Fla., and surrounding district, assembled on this date, That our Representative, Hon. J. Ed. O'Brien, be respectfully requested in the interest of good law and order, good patriotism, good public policy, and for the benefit of the laboring class in general, to use his influence and vote in favor of any eight-hour bill that may come up; also to use every available influence with the House Labor Committee to make a favorable report on the same.

Be it further resolved, That a copy of the confidential letters be attached to these resolutions for your more explicit information.

THOS. JOHNSON.
JOHN O'BRIEN.
DAN MURPHY.
FRANK J. RIEM.
JAS. M. JOHNSON.
SAM B. FLYNN.
J. B. WILTERS.
W. E. ROWLAND.
W. N. LOUNSBERRY.
W. A. WATTS.

DES MOINES, IOWA, *May 26, 1906.*

Hon. J. P. CONNER, *Washington, D. C.*

MY DEAR JUDGE: I am the legal representative of the State Manufacturers' Association of the State of Iowa and the Business Men's Association of the city of Des Moines, Iowa, and as such desired to appear before the Committee on Labor of the House, of which you are a member, at the hearing on the 16th instant in opposition to a favorable report on the so-called "eight-hour bill." It was impossible for me to be present at that time on account of engagements in my practice from which I could not be relieved.

I am now advised that application has been made for further hearings at a date not earlier than about the 6th or 7th of June. I would esteem it a personal favor, as well as being able to assure you that it would be regarded as a great courtesy to the associations mentioned, if you could use your influence to have such arrangement made.

The Des Moines Business Men's Association includes practically all the representatives of business interests of importance in the city, and the State Manufacturers' Association includes in its membership the representatives of the leading manufacturing interests of the entire State. They entertain very strong feeling in opposition to the proposed legislation. Perhaps nothing could have served to make them appreciate the effect of such legislation better than the consideration of its influence upon the army post located here. They are quite anxious that they have a fair opportunity to be heard, and to have that consideration of their views and sentiments on the subject to which they feel themselves fairly entitled, and if you could be instrumental in helping to secure that opportunity at so late a date in the session, your services in that behalf would be fully appreciated.

With assurance of personal regard, I am,

Very truly, yours. O. M. BROCKETT.

COMMITTEE ON LABOR,
HOUSE OF REPRESENTATIVES,
Tuesday, May 29, 1906.

The committee met at 11 o'clock a. m., Hon. John J. Gardner (chairman) in the chair.

STATEMENT OF HON. L. E. PAYSON—Continued.

Mr. PAYSON. Mr. Chairman, I will read first a statement by Chief Constructor Francis T. Bowles in a letter written by him as Chief Constructor of the Navy on February 14, 1903, found in the hearings of 1904 at page 450, first session of the Fifty-eighth Congress, addressed to a Senator, but the name not given:

DEPARTMENT OF THE NAVY,
BUREAU OF CONSTRUCTION AND REPAIR,
Washington, D. C., February 14, 1903.

MY DEAR SENATOR: Complying with the request contained in yours of the 12th instant I have examined H. R. No. 3076, as reported in the Senate by Mr. McComas, with amendments, and known as "the eight-hour bill."

It does not appear from the printed reports of hearings in the Senate that any testimony has been taken on the part of the Government to indicate the effect of this bill upon the interests of the Government. I have therefore considered the bill with particular reference to the effect of its provisions upon the construction and repair of naval vessels, matters which are under my official charge, and also with regard to the effect upon the shipbuilding industry of the United States, with whose success the efficiency of the Navy is inseparably connected. The remarks which follow are confined to these considerations.

My objections to the bill are contained in the following points:

First. The exceptions to its operation, as contained in lines 18 to 23, are too vague. They will admit of a great variety of interpretations by executive officers of the Government, the manufacturers concerned, and the labor organiza-

tions. These will involve the Government in delay, expense, and form a standing invitation to strikes and labor troubles.

Second. So far as the Navy is concerned, there are certain articles, or objects, which are clearly within the operation of the law. For instance, the hulls of vessels, propelling machinery, boilers, pumps, blowers, and other special appurtenances of the machinery, windlasses, steering engines, boat cranes, ammunition hoists, ventilating blowers, dynamos, motors, means of communication, armor, guns, ammunition, all special structural material or materials for armament which can not usually be purchased in the open market and which will include structural steel, nickel steel, forgings for crank shafts, propeller shafts, rudders, turret mechanism, and a long list of other details of a similar character. The cost to the Government of all these articles will be largely increased, probably from 15 to 30 per cent of the present cost, and the time required for delivery in the same proportion.

Third. The competition for Government work by private parties will be largely diminished by the practical impossibility of simultaneous manufacture of Government and commercial work. This reduction of general competition would inevitably result in a great loss of efficiency in naval vessels, which is now promoted by commercial rivalry and the wide range of inventive talent now at its disposal.

Fourth. The inevitable tendency would be to force the Government to build its own ships, to manufacture its armor, guns, steel, forgings, dynamos, engines, and blowers in Government establishments.

Fifth. The number of inspectors and clerical employees of the Government would be necessarily increased in order to execute this act.

Sixth. The indirect additional expense ultimately caused to the Government by this act it is impossible to estimate.

Seventh. The private shipyards in the United States capable of building ocean vessels would be crippled if not destroyed by this act. These shipyards and their technical staffs have been actually built up and educated by the building of the new Navy in the last twenty years. Under the operation of this law they would be obliged either to adopt the eight-hour day, with the impracticable and drastic provisions of this act, or to give up naval work. Either of these alternatives means the practical destruction of their business under the present circumstances.

It would be easy to proceed and explain in detail under each one of these points the detailed considerations upon which these conclusions are based, and I will be prepared to do so if desired. These conclusions represent the opinions which I should have expressed in the interest of the Government if called upon to testify as to the merits of this bill, and you are at liberty to make any use of them which you may think proper.

Very respectfully, yours,

F. T. BOWLES,
Chief of Construction U. S. Navy.

In the hearings of the first session of the Fifty-sixth Congress, page 195, was given a statement of Mr. F. W. Wood, president of the Maryland Steel Company, which is a large shipbuilding concern, its name not indicating its entire purpose. Gentlemen may remember that the Maryland Shipbuilding Company is the concern that built the large dry dock, the *Dewey*, which is now being towed to Manila, and they have done a large amount of Government work in the last twelve or fifteen years. Mr. Wood says:

STATEMENT OF F. W. WOOD, PRESIDENT OF THE MARYLAND STEEL COMPANY.

Mr. WOOD. Mr. Chairman and gentlemen of the committee, I come here to present very briefly certain objections to the adoption of this bill from our standpoint as shipbuilders. While we are engaged primarily in the manufacture of steel rails and billets, one of our most important departments is engaged in the building of ships for the Government and for general commercial purposes. The restrictions in the matter of hours of labor would absolutely prohibit us from taking Government work, because we can not see our way to work men eight hours and ten hours side by side, and the commercial work will form the larger portion of our business in the future.

Again, we do not see our way, and do not consider it practicable, to assume responsibility for the numerous subcontractors with whom we have to deal in obtaining various parts of a ship which we do not manufacture—the electrical apparatus, the special types of pumps, the distilling apparatus for fresh water, articles which we can not possibly manufacture ourselves and which we believe—it is our opinion—we could not, without assuming undue risk, contract for elsewhere under the provisions of this bill. From the standpoint of the workman, and I wish to say that I have been very closely in touch with workmen engaged in various lines of iron and steel manufacture for the past twenty years, I can not believe that there is a universal demand for a restriction of the hours of labor. There certainly is a very large element which will not wish to have its profits restricted in any way; and by profits I mean the difference between earnings and expenses.

Again, in the execution of a contract, we are bound at one end by the contract in the matter of time. In the execution we have to deal with variables. Those variables are chances which we have to face in the manufacture of the various parts. For instance, attempts to make castings are frequently failures, and they have to be made sometimes two or three times, resulting in delay and making it impossible to construct the different parts of the ship on schedule. Our only way, so far as our present knowledge goes, to overcome these difficulties is to at times get our men to work overtime. It is done entirely with their consent, and they are paid at a higher rate of wages for it. This bill, as I understand it, would entirely prohibit anything of that kind.

In short, so many difficulties that seem to us to be insurmountable would result from the passage of the bill that I can only say now that it would prevent our bidding on Government work.

The CHAIRMAN. What rate of wages do you pay for overtime work?

Mr. WOOD. Our rates are substantially the same as those paid up and down the Atlantic coast. Our men are largely men who work for a time in one yard and then go to another, and move about.

A MEMBER. He wants to know the extra——

The CHAIRMAN. I ask the question in this light: It is evident from what the gentleman has said that these inevitable delays would result in an increase of cost to the original contractors.

Mr. WOOD. Yes; certainly they do. We are obliged to take chances——

The CHAIRMAN. What I mean is, assuming that the regular wages are 37 cents an hour, what rate do you pay for overtime?

Mr. WOOD. For overtime, during week days, time and half time.

The CHAIRMAN. Time and half?

Mr. WOOD. Yes, sir; and on Sundays, double time.

The CHAIRMAN. You build ships in your yard?

Mr. WOOD. Yes, sir.

The CHAIRMAN. As near as you could give the information readily, how many other contracts does the original contract for building a ship involve—that is, how many subcontracts? First, how many do you make, and then, so far as you know, how many do your subcontractors make?

Mr. WOOD. It would be impossible for me to trace beyond the contracts we make with subcontractors. I should assume—I should say that in the case of the Government vessels at least thirty subcontracts were made in which the articles contracted for—that is, subcontracted for—are specified in the original contract.

The CHAIRMAN. You, in the first instance, make probably thirty?

Mr. WOOD. I think so; probably more; at least thirty.

The CHAIRMAN. And your subcontractors make some?

Mr. WOOD. Doubtless they do.

The CHAIRMAN. You do not know how many, but have you any idea about it?

Mr. WOOD. Well, shipbuilding embraces about 37 different trades, and taking the products of 37 different trades it is very difficult to trace the ramifications. I wish to stop with the subcontractors. I do not wish to carry the argument to the point where it can be construed as ad absurdum.

The CHAIRMAN. I do not want to be inquisitive, but if there is no objection to stating it, about what proportion of the cost of building these ships is that which is expended in your yard; or, to state it differently, assuming the cost of the ship to be $1,000,000, what proportion of that million do you pay away to subcontractors?

Mr. WOOD. Dependent on the type of the ship, which determines the relative proportion of labor and material, I should say 30 per cent is expended—from 30 to 40 per cent—on account of the subcontracts.

The CHAIRMAN. And that reaches at least thirty different trades?
Mr. WOOD. Yes, sir.
The CHAIRMAN. Located in different parts of the country?
Mr. WOOD. Yes, sir.
Mr. FURUSETH. You are building ships?
Mr. WOOD. Yes, sir.
Mr. FURUSETH. How many hours do you work in your yard?
Mr. WOOD. Ten hours.
Mr. FURUSETH. On the outside or on the inside, or both?
Mr. WOOD. Both.
Mr. FURUSETH. Both?
Mr. WOOD. Yes, sir.
Mr. FURUSETH. Do you know of any other shipbuilders, or do you know of any shipbuilders who work less than that?
Mr. WOOD. Not any who are engaged in a similar class of work, competing for the same class of work. I wish to say that our yard is engaged largely in the construction of cargo ships, the type of ship which corresponds to the English tramp, and the ship which we have got to depend on for the revival of our merchant trade, and in order to build which we have got to work in competition with the yards of England and Germany, and work and cut the corners as close as possible in every respect. We have at this time, I wish to say also, nearly completed the first two experimental cargo ships of large capacity, intended for general trade the world over, just as the English tramp is intended. These two ships are now under construction.
Mr. FURUSETH. You say you build tramps?
Mr. WOOD. Yes, sir.
Mr. FURUSETH. And you have to compete with England?
Mr. WOOD. And Germany.
Mr. FURUSETH. And Germany?
Mr. WOOD. Yes, sir—that is, in order to induce our people to invest in ships of that kind, we have got to make the cost of our ships near the cost of foreign-built vessels to justify their investment.
Mr. FURUSETH. Your plant is a very modern plant, isn't it?
Mr. WOOD. It has been built about—the shipbuilding department has been built about eight years, or nine years, I think.
Mr. FURUSETH. Got all modern appliances?
Mr. WOOD. Probably not all; a fair proportion of them.
Mr. FURUSETH. Do you compare favorably as to modern appliances with the shipbuilding yards on the Tyne, say, or at Glasgow?
Mr. WOOD. I should consider so, from the last and best information I have.
Mr. FURUSETH. Do you think you employ more men in the building of one vessel than would be employed on the Tyne?
Mr. WOOD. I think so.
Mr. FURUSETH. More men?
Mr. WOOD. Yes, sir; I think so.
Mr. FURUSETH. In the building of one vessel?
Mr. WOOD. I think so.
Mr. FURUSETH. In other words, the men you employ can not do as much work, then, as the English workmen?
Mr. WOOD. I think not.
Mr. FURUSETH. That would be the reason, then, that you necessarily would have to have longer hours of labor than the English shipbuilder?
Mr. WOOD. That is one reason.
Mr. FURUSETH. Do you know how many shipbuilding plants there are in this country that work eight hours on the outside?
Mr. WOOD. Not on this class of work. I do not know of any that work eight hours at all. Some work nine hours, I believe, but not on this class of work.
Mr. FURUSETH. You do repair work, don't you?
Mr. WOOD. Very little.
Mr. FURUSETH. Very little up to the present?
Mr. WOOD. Yes, sir; very little. It is almost entirely new construction which we are competing for in that class of work.
In reply to your question regarding the efficiency of the men: The difference comes chiefly from the fact that on the other side the work is largely classified, and the piecework system is universal. Certain men work on certain types of work almost constantly. The great volume of the shipbuilding there is the primary reason for this increased efficiency. In the yards in this country up to this time it has been necessary to move our men about, working one day on a

passenger ship, shortly afterwards on a freight carrier constructed entirely of iron, and next on a torpedo boat, and they do not acquire the same proficiency in the handling of the different parts, and can not turn out the same amount of work for the same cost as they do on the other side.

Mr. McCLEARY. That is largely due to the fact that we do not build as many ships?

Mr. WOOD. That is the prime reason, and when we have a great volume of work for our shipyards that difference will gradually melt away.

Mr. McCLEARY. In fact, if you were to express an opinion, you think the American mechanic will be able to do more work rather than less when he has the same opportunity?

Mr. WOOD. I think so, but he can not when he is changing about from one type of work to another three or four times a year.

Mr. McCLEARY. He can not become an expert in any one?

Mr. WOOD. No, sir.

The CHAIRMAN. And that is a condition that does not seem to relate personally to the people on the two sides of the water?

Mr. WOOD. The same would be true of two American shipyards doing the same class of work—that is, the same difference would exist between the men of the two yards; that is, the difference is between the two sides of the water rather than——

The CHAIRMAN. It is a matter of classification of the work?

Mr. WOOD. Yes, sir.

The CHAIRMAN. And the same differences would exist here?

Mr. WOOD. Yes, sir.

The CHAIRMAN. It is a difference of volume?

Mr. WOOD. Yes, sir.

Mr. FURUSETH. Do you know the Brooklyn Dry Dock Company?

Mr. WOOD. The people who control the Erie Company?

Mr. FURUSETH. Do you know what hours they work?

Mr. WOOD. I do not. I think nine hours, however. I am not sure, but I think so. The matter of ship repairs, however, is entirely different from constructing of new work in competition with other concerns on this side and on the other side of the water. For repair work, unusual, extraordinary prices are charged, and there is not the competition, because a ship coming into port and requiring repairs must have those repairs made then and there, no matter what the cost is.

Mr. FURUSETH. The hours of labor in some of the shipyards on the eastern coast—that is, in the New York district—have been reduced in the last year, have they not?

Mr. WOOD. I do not know whether any change has been made or not. I think some of them are working nine hours, but whether that is a recent change I do not know.

Mr. FURUSETH. Have you had any call made upon you or any request from your workmen at all to reduce hours of labor?

Mr. WOOD. Certain elements in our yards did; yes. We explained the situation to them, showed them the competition that we were engaged in, and the result was that practically all the men returned to their work.

Mr. RIORDAN. If the hours of labor were reduced, then their salary per day would be reduced at the same time, would it not?

Mr. WOOD. That is right.

Mr. RIORDAN. Did they come to you and ask for a reduction of the hours of labor under this consideration, that there would be a proportionate reduction of wages?

Mr. WOOD. No; they would expect the wages to remain the same. It is equivalent to asking for an advance.

Mr. RIORDAN. An advance of wages?

Mr. WOOD. An advance of wages and also reducing the output of the yard.

Mr. GOEBEL. Is that very lengthy?

Mr. PAYSON. This is the first extract that I have read from the testimony which bears upon my side of the case in regard to the shipbuilding industry which I particularly represent, from a man who knows.

Mr. GOEBEL. It seems to me that as it is printed you might indicate to us what part you desire us to read.

Mr. PAYSON. There are points that no member of the committee would ever see if we offered it to them to be read by them, because no one would have the hardihood to suppose that you would go through with it and deal with it in any such thorough manner. This is a matter of very great moment to us, and I do not feel at the present time like offering any apology to the committee for the hour and a half that I so far have taken up before the committee. I will skip parts of this as I see opportunity while reading it.

Mr. HEARST. That seems to be the difficulty, that nobody seems to feel like offering any apology for taking up the time of this committee. Is not this from the proceedings had before this committee?

Mr. PAYSON. Yes, sir; I have so stated.

The CHAIRMAN. I would say for the benefit of yourself, Mr. Hearst, and Mr. Goebel, in regard to the recent proceedings of this committee, that a hundred people, perhaps, have applied for hearings.

Then the contention was made by the friends of the bill that the hearings had been had, and that nothing new could be said. To that the reply was made that there were many new members of the committee who had not been present at those hearings and did not know what they contained, and that they would not and probably could not, as a physical task, go through all the hearings that had been had and extract from them that which was pertinent to this bill. Out of that situation grew the proposition, on the part of the Newport News shipyard and other interests, that they would go through those hearings and select what they considered to be pertinent, and submit it here to shorten the work of the committee, and out of that grows this method.

Mr. GOEBEL. I did not know that. I beg pardon for interrupting.

Mr. PAYSON. I will say, for the benefit of Mr. Hearst particularly, that this is the first minute that I have occupied the time of the committee in behalf especially of the interests that I represent here, of the Newport News Shipbuilding Company.

Mr. HEARST. Of course I do not want to interrupt unduly, but it seems to me that if we have had difficulty in getting this bill reported in previous Congresses, we are going to have increased difficulty if we review all the previous hearings in addition to what we will have of our own, and would it be too much to expect of the committee, if they are really anxious to get the bill through, that they should acquaint themselves with the previous hearings at some time other than during the hearings of the committee?

The CHAIRMAN. They had acquiesced in the proposition that the quickest way to get at the meat of the hearings was to have the counsel go over and mark those parts which they considered important.

Mr. HEARST. So far as I am concerned, if that is the chief object, I shall not make any objection.

Mr. PAYSON. It is not only the chief object, but the only object, so far as I am concerned, Mr. Hearst.

Mr. HEARST. Then I shall not make any objection.

Mr. GOEBEL. I was not here, and of course I did not know what action had been taken.

Mr. GOMPERS. As I understood the offer of the gentlemen who opposed this bill, it was that after they had submitted their argu-

ment in opposition to the bill they would then point out, and, in as succinct a form as possible, direct the attention of the members of the committee to that part of the testimony already had before committees of the previous Congresses which they considered important, for the convenience of the members of the committee. I am sure that I had never heard intimated, much less suggested, that the gentlemen opposed to the bill would in the presence of the members of the committee and in the presence of those who favor the bill undertake to read the testimony and letters that were already in print.

Surely if the members of the committee have not the time to look up for themselves the testimony I can scarcely see where the reason comes in to sit in committee and hear the testimony read. It seems to me that most all of you gentlemen—I am sure, speaking for myself, that I can—can read faster for yourselves than it can be read for us, having even so good a reader as Judge Payson read to us. I sumbit to the consideration of the members of the committee whether the intimation or the statement I made in the earlier part of these hearings is not justified, namely, that the policy of the opponents of the bill was by every means and contrivance in their power to delay the hearings of this committee so as to make it impossible to report the bill.

At a former hearing of the committee umbrage was taken at what I said as to the policy of procrastination practiced by the opponents of the bill for years and years, and an attempt was made to rebuke me because I said that either wittingly or unwittingly the committee was permitting itself to be used to prolong inordinately the hearings before this committee; but that is proven every moment which the committee meetings are held. I again say that I can understand these gentlemen. They are opposed to this bill and they are going to resort, I was going to say, to every lawful means—yes, I am perfectly willing that the statement should stand—to all the lawful rights to which they are entitled in order to defeat the bill; and their main object, the main policy that they have pursued has been that of delay.

It is not a matter of yesterday or the day before, but it has been a matter of years and years, and every man who has been in attendance at these committee meetings knows that what I have said is true. I did not intend and I do not intend to reflect upon any member of this committee. That is not my purpose. But I do think that it is my duty to call to your attention the policy that these gentlemen have successfully pursued for so many years, and are pursuing now, and under what appears on the surface a fair proposition. Some of the members of the committee are new to this committee and to this work, and superficially it appears, "Well, surely the members ought to know the thing upon which they are asked to report."

But we are sitting here and listening to the reading of testimony submitted here years and years ago—some years ago—a reading of the testimony, a reading of the record in every word, not because any particular point bears upon any particular feature of the bill, but a reading of every trivial question and answer given and recorded, all over and over again. I wonder if they could not—it seems to me it would be economy of time for the members of the committee—to take those hearings, having pointed out to them by the opponents of the

bill, and, if you please, by those who favor the bill, those portions which we desire to submit to your consideration in advocacy of or in opposition to the bill and read them for themselves.

Mr. PAYSON. Mr. Chairman, when Mr. Gompers says that it was his distinct understanding and the understanding of every member of this committee that after the arguments had been made against this bill, then there was simply to be a reference to such items as gentlemen who were opposed to the bill thought right and proper to be read by the members of the committee at their convenience, he is guilty of two errors, both of them under the matter so far as this observation is concerned.

Every member of the committee who was present knows that the arrangement distinctly was that those who were in favor of the bill should take the opening, and Mr. Gompers declined to make any statement, and said that he was content with the knowledge that the committee had, and then in an orderly way it was said that those who were opposed to the bill could be heard; and those who did me the honor to listen to what I had to say will remember that at the outset I stated that I did not propose to argue the merits of the bill at all, that I desired as a lawyer—because that is the only business that I have had since I have been in business life—to outline the case that I hoped to present before this committee, and to call the attention of the committee to the difference between this bill and those bills which preceded it; and that statement I was compelled to make because Mr. Gompers, with the vehemence which he always manifests when he gets to talking about this bill, had asserted that the bill now being considered by the committee was the same bill which was considered all these years before the committees of Congress at both ends of the Capitol.

I disputed that, and then he repeated it, and then you, Mr. Chairman, set him right by an explanation of the substantial differences between the bill now before this committee and the so-called Hitt bill of the last Congress, and the McComas bill, and the bill of two Congresses before that. You set him right in detail. Then I made a statement before the committee as to what I expected to show, and it was called out by the suggestion from Mr. Norris, the gentleman from Nebraska; and I then had in my hand the paper which I now have here, in which I said I had digested from the different hearings the statements and letters that I would ask to read to the committee, thinking that would be easier and more conducive to economy of time than to call the gentlemen themselves here and put them at this end of the table to make verbal statements, and that it would be concise and would be readily accessible and would afford members who cared to read it an opportunity to know what my side of the case was so far as the shipbuilding industry was concerned; and I said at that time, and this I repeat for the benefit of you, Mr. Hearst, particularly, that the hearings are composed of these four volumes which I have here and these three volumes which I have here, and two others which I do not have, aggregating over 5,000 pages of testimony, and I said that I doubted whether there was a member of Congress who would even read through the index, much less read what I desired to present here.

(At this point Mr. Gompers rose.)

Now, Mr. Gompers, I do not care to be interrupted at this time. I

have, as you know, the utmost respect for you, but I must insist that when I let you interrupt me for a single sentence you go on for half an hour.

Mr. GOMPERS. But you always misinterpret my position and misquote me, and it appears with the intent, perhaps, to place me——

Mr. PAYSON. Not at all.

Mr. GOMPERS (continuing). In an improper position.

Mr. PAYSON. Not at all.

Mr. GOMPERS. And I shall ask the committee to be heard for a moment.

Mr. PAYSON. Certainly; I am not insisting; but while I have the floor and I am pursuing a certain line of thought I prefer to pursue it to the end. You may interrupt me for a question.

Mr. GOMPERS. The gentleman being interrupted, if it be an interruption, because Judge Payson has said that he never regarded anything as an interruption when he was speaking——

Mr. PAYSON. When I am making an argument; no.

Mr. GOMPERS. He was interrupted; he was interrupted by Judge Goebel, and the interruption has been continued ever since, and now I ask that I may be heard for a minute or so in order at this stage of the proceedings to correct the position in which Mr. Payson improperly places me.

The CHAIRMAN. Are you willing to yield now?

Mr. PAYSON. Oh, surely; only do not let it be said hereafter that this amount of time is being consumed by us, the opponents of this bill.

Mr. GOMPERS. All right; it is in my time, then.

In the first place, Mr. Chairman, I want to say that I did not say that the members of this committee knew or could know the merits of this bill, and that I was willing that the members of the committee should rest on their knowledge of the arguments or the facts upon which this bill rests. What I did say was that most of the members of this committee knew the arguments and knew the facts, and those who were new members of the committee could easily obtain them in the printed hearings and arguments, and, which is essentially so even in this committee, as you know, at some meetings of the committee there has been a quorum, and at other times there has not been, and upon what will those members of the committee who have been absent from the committee hearings have to rely? Either upon their knowledge of the facts upon which this bill is based, the arguments, the advocacy of its beneficent purposes, or they will have to consult the printed hearings and arguments just exactly as in this case.

Now, as for the other point, in attributing to me a statement that this is the same bill as in the last Congress, I think he is shooting far from the mark. What I did say was its purpose was the same; that in its essential features the object was the same; that there was considerable difference in its language and in its scope, but the purpose of the bill, the reasons for advocating it, were the same. And I think it would not be amiss to have statements which are made, so far as they apply either to one side or the other, submitted with a greater accuracy than that which usually characterizes those made with reference to us who advocate the passage of the bill.

Mr. PAYSON. Proceeding to what I was about to say, the gentleman with earnestness insisted that all this opposition had been purely factious, and nothing had resulted from it but delay. Now, in a word, may I say for the benefit of some of the members who were not here when the statement to which I am about to refer was made, Mr. Rainey and Mr. Hearst, that the opposition to this bill by those, including myself and other gentlemen, who have opposed it from the beginning, resulted in eliminating from the bill more than 95 per cent of the manufacturers of the country who did Government work. In other words, the early bill, the original Gardner bill, as this bill, covered more than 95 per cent of the purchases by the Government of the manufactured articles which the Government has occasion to use and which it requires.

This bill does it. I am prepared at a later stage to show that. I have the documents in my gripsack now to show it, something that never has been brought before this committee before; and in your own time I challenge a denial of that statement, Mr. Gompers. In our opposition to this bill we succeeded, not with my own particular interest, because I have always been in this bill—shipbuilders have always been under the ban of this bill—but the opposition to it succeeded, the cloud of manufacturers who came to this Capitol succeeded, in securing the inclusion in the exceptions to the bill more than 95 per cent of the articles which the Government requires.

Now, we have come back to the same old ground that we had eight and ten years ago. And when the gentleman says that he was not clamoring particularly for any ill-advised or too early action on this bill, I repeat again for the benefit of those who were not here at the first meetings of this committee that at the very first meeting that this committee had, where we were told that the only object of the meeting was that Mr. Gompers might make the acquaintance of the new members of this committee and make some statement with reference to the bill, we were met then, at the end of something like an hour and a half's oration from Mr. Gompers, with the demand from him that the bill be taken up now and here and reported.

It looks to me as though there was a little indiscreet haste in making that sort of demand and at that time. But coming back now to the present situation, I have occupied about an hour in stating what the position of my clients is. I have read four printed pages, and that is the extent of the consumption of time by me in behalf of an interest, Mr. Chairman, that is one of the most important affected by the operation of this bill, with millions of dollars of capital honestly invested, thousands of workmen, content with the existing situation, and the industry itself threatened with injury, if not absolute disaster, by the passage of this bill, and we are simply asking in behalf of this committee a patient consideration of it, and less than two and a half hours' time at this session of Congress has been occupied by me up to this time—not so long by the clock as the time my friend Mr. Gompers has occupied in denouncing our attitude and clamoring for immediate action on the bill.

Mr. HEARST. I do not think that the committee is trying to limit you unduly; but as you will probably want to say something in addition after you have read all the previous hearings——

Mr. PAYSON. Not all of it.

Mr. HEARST. Well, a part of it.

Mr. PAYSON. Not a percentage of it.

Mr. HEARST. We thought that you might speedily get to that point.

Mr. PAYSON. I will make it as speedy as I can.

Mr. HEARST. There is a limit to our inability to understand this situation, and——

Mr. PAYSON. I do not quite understand that. A limit to your ability to understand it?

Mr. HEARST. I used the word "inability."

Mr. PAYSON. Oh, yes. What is the pleasure of the committee? May I proceed in order?

The CHAIRMAN. Certainly, sir.

Mr. PAYSON. I continue on page 199. Mr. Gompers now takes up the dialogue.

Mr. HUNT. What year is this?

Mr. PAYSON. These are the hearings of 1900, the first session of the Fifty-sixth Congress.

(Reading:)

Mr. GOMPERS. When you were called upon by the committee to reduce the hours of labor, what number did this committee consist of—how many?

Mr. WOOD. I can not answer that positively, because the call was made on our manager of our shipbuilding department in my absence.

Mr. GOMPERS. How many employees have you in your yard?

Mr. WOOD. About 800.

Mr. GOMPERS. Did this committee say that they represented the men in your employ?

Mr. WOOD. They represented certain portions of the men—that is, the iron workers and the machinists, I think.

Mr. GOMPERS. The boiler makers?

Mr. WOOD. I do not think the boiler makers were represented. I am not positive about that. But in numbers they claimed to represent, I think, about three-quarters of the employees of the yard.

Mr. GOMPERS. You say you discussed this matter with this committee, or your representative discussed it——

Mr. WOOD. Certainly; that is our policy always.

Mr. GOMPERS (continuing). With this committee, and urged the close competition in the business as the reason why you could not accede, or your company could not accede, to the request for a reduction of the hours of labor?

Mr. WOOD. That was the reason.

Mr. GOMPERS. And that practically all of them returned to work?

Mr. WOOD. They did not return to work immediately.

Mr. GOMPERS. How long were they out?

Mr. WOOD. There was an interval of, I suppose, three days, or two days, it is possible, and then they came back in small detachments.

Mr. GOMPERS. Who, for instance, went out—how many of your employees?

Mr. WOOD. Probably three-quarters.

Mr. GOMPERS. In other words, it was a little over 600 out of your 800 employees?

Mr. WOOD. It was enough to completely stop the work of the yard, practically.

Mr. GOMPERS. They were out on strike, then, for a few days, to enforce the demand for a reduction in the hours of labor?

Mr. WOOD. That is doubtless true of a portion. I think the majority, however, were out waiting to see the outcome of the demand, and for fear that they would be subjected to uncomfortable experiences if they returned to their work.

Mr. GOMPERS. They were out on strike?

Mr. WOOD. A portion——

Mr. GOMPERS. Of those 600 or more employees were out on strike endeavoring to enforce that demand?

Mr. WOOD. I do not think 600 were out on strike, from the information we had. I think only a small portion were on strike.

Mr. GOMPERS. What were they all doing, then? Why is it that they did not return to the employment; why did they——

Mr. WOOD (interrupting). If you are familiar with the operation of bodies of workmen, you know very well that if a portion only quits working the balance

hesitate for a long time, on account of the numerous hardships and disagreeable experiences which they are always subjected to by those who have taken the initiative.

Mr. GOMPERS. I presume you are aware also that on the other side, if your statement is correct, there are some workmen who will remain in an establishment for fear that they might lose what they regard as the only haven of opportunity for employment.

Mr. WOOD. There are all kinds of people in a large industrial establishment.

Mr. GOMPERS. I would like you to state to the committee and explain—you said that there were only a very small number or proportion of your employees who really wanted a shorter workday——

Mr. WOOD. I do not think I stated that. I said that only a small portion quit their work and took the initiative in shutting up the establishment because they wanted a shorter workday.

Mr. GOMPERS. I had no reference to the latter part of your testimony.

Mr. WOOD. I beg your pardon, I think what you referred to, and I think if you will refer to the notes you will find it, was that I said: "There is always a considerable element in any body of workmen which does not wish to have its hours of labor and its earning power restricted or interfered with. In other words, they do not want to have their profits curtailed. They wish, as people in any other line of business do, to be free to make all the profit they can; and by the workman's profit I mean the difference between his living expenses and his earnings."

Mr. HUNT. Mr. Chairman, in view of the fact that there is a quorum of this committee, and some of the members have something to bring up before the committee, I move that we go into executive session.

The CHAIRMAN. That motion is in order.

Mr. HEARST. I second the motion.

The CHAIRMAN. It is moved and seconded that the hearings be discontinued at this point, and that the committee go into executive session.

The question was taken; and the motion was agreed to.

The CHAIRMAN. The ayes have it, and it is so ordered.

(At this point the committee went into executive session.)

LETTERS AND RESOLUTIONS RECEIVED IN REFERENCE TO THE EIGHT-HOUR BILL PENDING BEFORE THE COMMITTEE.

BOSTON, MASS., *December 29, 1905.*

Hon. JOHN J. GARDNER.
House of Representatives, Washington, D. C.

DEAR SIR: We see that the Gompers eight-hour bill is already under your consideration again as the chairman of the House Committee on Labor. As we have previously taken occasion to protest respectfully but emphatically against this proposed legislation, we will not now take up your time with further argument. We feel bound to repeat, however, that we consider this an utterly needless and decidedly dangerous measure.

We sincerely hope that it will be killed in committee.

Yours, truly,

THE CARTER'S INK COMPANY,
By RICHARD B. CARTER, *President.*

MILLIKEN BROTHERS,
New York, January 31, 1906.

Hon. JOHN J. GARDNER,
Committee on Labor, House of Representatives, Washington, D. C.

DEAR SIR: As large employers of labor we write to you to urge you to use your great influence against what is known as the "Gompers national eight-hour bill."

This bill has been before Congress several times, and always at times when

the supposed political and economic influence of the so-called labor vote was esteemed to be of very much greater weight than at the present time, and this bill has always heretofore failed to secure a favorable report in committee.

Since that time public opinion—which was at least tolerant, if not favorable, to the pretensions of the labor unions—has undergone a very great change, and the other 80,000,000 people in this country not only object to class legislation for the less than 3,000,000 organized members of labor unions, but are alarmed and incensed at the excesses of the unions; the total disregard by the unions of the interests of the balance of the community, and of the obligations entailed on the unions in the contracts or agreements which they make, and at the constant resort by the unions to intimidation, violence, and even murder, of which crime there were no less than 163 instances during the past year committed by union upon nonunion workmen.

We speak feelingly on this matter, as we have had more than our fair share in the past in combating the vagaries and the crimes of labor leaders, Sam Parks being the delegate in our industry with whom for some years we were obliged to deal. These conditions entailed on us a fight which cost us $75,000 or $100,000 directly and cost the building industry in this city millions of dollars directly and indirectly, and a loss of enormous sums to the real estate and investing interests, and occupied the attention of men of affairs for months to the exclusion of more profitable duties.

We feel, in view of our experience, that we are competent to hold an opinion on the benefits and losses from labor unions as they are conducted, and we know whereof we speak when we state that they are a curse to the employed quite as much as to the employer, not only because the former are the more helpless, but (and more important) because the union principle strikes at the foundations of American citizenship and saps that individualism which, after all, is the basis of this country's greatness.

The genius of the American character may be fairly described as industrialism, not for the money that is in it, but as work for work's sake, and the present preeminence of American industrialism has been won through constant and enthusiastic application to the day's work, and surely not through any voluntary or involuntary curtailment of effort or interest.

The inevitable tendency and the consequence of unionism is to create a leveling effect preventing the rise of men from the ranks and reducing all to the level of the poorest workman, teaching men to rely on organization, rather than on individual effort. The uneducated masses are taught to believe that the total demand for labor is a fixed quantity, and that therefore the less any one mechanic performs the more demand for labor remains to be divided among the others, so that by cutting down the hours of work, or what is the same thing, the amount performed within a stated time, they, in effect, prolong their tenure of employment.

The actual result is to increase the cost of the finished product, which in the end, whether in rents, as in the building industry, or in the necessaries of life, as in other trades, falls most hardly again upon the very workmen themselves.

We would further point out to you that the compulsory reduction from nine hours to eight hours in the day's work means that even if wages per diem are correspondingly reduced (which it is not likely they would be) the cost of the finished product is nevertheless very greatly enhanced, and by more than the corresponding benefit, if any, which would accrue to labor.

The profit in manufacturing is made in the profitable turning over of the manufacturer's capital as often as possible, whether that capital be employed in materials or in plant or in his pay rolls for labor. For instance, a manufacturer employing a capital of $1,000,000 and turning over a business of $4,000,000 per annum would, for example, on the basis of 8 per cent profit on his overturn, earn 32 per cent on the capital involved. On the other hand, to the extent that his shop facilities are idle, his ability to secure a return on the capital invested is not only correspondingly reduced, but very much more greatly reduced, in view of the above considerations, and also because his general expenses, selling costs, interests, superintendence, insurance of various kinds, depreciation, etc., go on just the same during the idle hour or hours.

The statistics of the last census show that the average annual income of qualified practicing physicians in this country is less than $600. These men are educated men; their education has taken several years of their life and cost thousands of dollars; their profession calls for the exhibition of the finer qualities of mind and heart, such as are not commonly involved in the pro-

fession of day labor. These men work more than eight hours per day; they often work night and day. The mechanics in our trade, on the other hand, can be fitted for their profession in a few weeks without any expense beyond their mere cost of living meantime. They are to-day earning incomes running from $1,200 to $1,500 per annum; they do not have to even read and write, but take their orders from a gang boss. Comment is needless.

On the other hand, if, even assuming that it were possible to enforce a law preventing mechanics from working beyond eight hours per day, it is obviously impossible to enforce such a law in the case of agricultural hands, domestic servants, professional men, and others, whose wages run to-day less than the favored few belonging to labor unions.

Of course were is possible for some benevolent dictator to insure that no one in any class of life should work more than so long we would all then be just where we were before in respect to each other, but so long as this is obviously impossible, the net result is merely legislation as the demand of a class, for a class, and to that extent against the masses.

The influence of labor unions can best be observed in Great Britain, which has been union ridden for years, and to a greater extent than any other country, and where the labor cost in the manufacture of machinery has ruled England out of many markets. In the building trade in London the union limits the number of bricks set by a mason to 300 per diem, whereas 1,800 and sometimes 2,000 and even 2,300 bricks are laid by a mason in one day, not only in this country, but this has been done with British workmen within three years, but without union interference. The result of all this union interference on behalf of the workmen certainly does not show any increase in the earnings of mechanics, but, on the contrary (largely due to these very conditions), that country is to-day suffering from thousands of men who are unemployed. The unions can not point to Great Britain, where they have had full scope, as any testimonial or indorsement of the correctness of their theories.

In our own trade wages for outside men have increased within the past eight years from $2.75 and $3 per day to $4.50 per day, but the cost of erection—that is, the work which these men do—has increased from $4 and $6 per ton to $15 and $18 per ton for the same work under similar conditions, and at a time too, when improved methods and appliances should have produced a different result.

The upshot of this is that while the cost of this work to the consumer has increased three or four fold, wages have only increased perhaps 60 or 70 per cent in the same time. The missing difference represents waste and loss to the consumer and absolutely no benefit to the mechanic.

It is an accepted fact, on the other hand, that instead of getting eight hours' work out of a mechanic, we do not get the equivalent of over four or five hours' work, due solely to the fact that the man is working for the unions and not for his employer. The question of whether a man works under these conditions eight or nine hours per day is comparatively immaterial, and the theory that he will spend the extra hour in spiritual or even intellectual improvement is a fallacy.

Wages have risen in this country very largely within the past few years, but not owing very largely to the influence of the labor unions. Comparing the index number for the year 1887, which was 1885, with the index number for 1905, which was 2342, it will be observed that the cost of living has increased almost 50 per cent. The present high wages are of course in part due to the increased cost of living, but mainly due to the unexampled prosperity which this country is at present experiencing. On the other hand, the increased cost of living is undoubtedly due in considerable part to the effects of labor unionism, for the reason that the working out of these theories is not economic in any sense, but extravagant and harmful in a cumulative degree.

We would beg to point out to you also that the greatest hardship and injustice in connection with this proposed legislation would be an indirect one, and the laborites well know this. The bill provides, of course, that it has reference to work being done for the Federal Government. It is impossible, however, for any manufacturer to run his plant partly on an eight and partly on a nine or ten hour basis, and it is impossible for ninety-nine manufacturers out of a hundred to run their plants entirely on Government work. The result is therefore that either a manufacturer must refuse all work directly or even indirectly for Government account, or else he would be forced to go on the eight-hour basis for commercial or private work.

The alternative result of the proposed bill, therefore, is twofold: First, of indirectly increasing the cost of manufacture, and by reducing the number of competitors on Government work the cost to the Government of all its purchases is very largely increased, and the taxpayers (which means the rest of the country) are unjustly taxed for the benefit of a class, or else,

Secondly, the cost of all manufacture is increased by all manufacturers going on an eight-hour basis, to the end that the cost of commodities and the cost of living to the entire country is enhanced for the benefit of one special class.

In the particular business in which we are engaged—the manufacturing of structural steel and its fabrication—it is an absolute impossibility for us to run our plant on an eight-hour basis. Many of the processes are of their nature necessarily continuous, and should this bill become a law, we would be obliged to refuse to figure on or to furnish any work destined even ultimately to be used by the United States Government. What is of importance, if America is to retain her industrial supremacy, is that anything giving aid and comfort to the present labor trust is shortsighted and injurious as affecting the welfare of the entire people.

We are opposed root and branch to anything and everything favoring the unions as they are and have been conducted, because they are illogical and impracticable, and very largely hurtful in their aim and essence, and vicious and often criminal in their practical working out.

We trust that you will pardon the length as well as the frankness with which we have stated our views on a subject to which, in common with all other American manufacturers, we have been giving a great deal of thought in the past five or six years.

Very respectfully, yours, EDW. F. MILLIKEN.

MILLIKEN BROTHERS,
New York, April 5, 1906.

Hon. JOHN J. GARDNER,
Chairman Committee on Labor, House of Representatives,
Washington, D. C.

DEAR SIR: Referring again to Gompers's national eight-hour bill in relation to hours of labor, I beg to call your attention to the decision of Judge Stafford of the supreme court of the District of Columbia in granting an injunction against the union printers of that city, now on strike, which injunction is similar to that which has just been made permanent by Justice Greenbaum in this city against the Typographical Union here.

In granting this injunction Judge Stafford says:

"There is something more important than fair wages, and that is the right to work for any wages the workman is willing to accept. There is something more important than an eight-hour day, and that is a free day. Any enhancement of wages, any lessening of the hours of labor, any improvements in the conditions of employment would be too dearly bought by the surrender of the smallest fraction of individual liberty."

Very truly, yours, E. F. MILLIKEN.

MILLIKEN BROTHERS,
New York, May 24, 1906.

Hon. JOHN J. GARDNER,
Chairman Committee on Labor, House of Representatives,
Washington, D. C.

DEAR SIR: Supplementing our previous letter to you, we desire earnestly to protest against House bill No. 11651, known as the "Eight-hour bill." This company is engaged in business as manufacturers and contractors of all kinds of iron and steel work, and is the incorporation of the old-established business of the former partnership of Milliken Brothers. We are now completing on Staten Island a very large plant for the manufacture and rolling of steel, which we propose to have in operation before the 1st of November, when we will be in position to compete even more largely than heretofore as contractors and manufacturers for almost any kind of iron and steel work which the Government may require.

Should this bill, however, become a law of the United States, we will be obliged to refrain from bidding on or furnishing any Government work what-

ever, either as contractors or subcontractors, and it is the judgment of the officers of this company that contractors and manufacturers will very generally be obliged to decline to enter into contracts for work or materials for the Government upon the conditions required by this bill, which are arbitrary, unjust, burdensome, and inimical to the contractor and manufacturer for the following manifest reasons, among others:

(*a*) The contractor or manufacturer would be at the mercy not only of the Government inspectors and minor officials in charge of the work, but also at the mercy of his own employees and of all his subcontractors and their employees to the end of the line.

(*b*) The inspector would be the witness, judge, and jury, upon whose dictum, right or wrong, true or false, just or unjust, the contractor is to be deprived of part, perhaps, of all of the contract price, not because his work is not in accordance with the plans and specifications, but because it is charged by an inspector that mechanics or laborers—perhaps in the employ of other parties—have on certain alleged occasions worked even a fraction of a day more than eight hours per day.

(*c*) It is impracticable, and we allege impossible, to run our work on shifts of eight hours, for steel can not be made in that time and the furnaces must be kept going during the process or chill and be ruined. To try and run the works with three shifts of eight hours—which involves a reduction of between 30 and 40 per cent in the output—and for other practical reasons is out of the question. It is not possible either to run our works, or any other steel plant, partly on eight hours on Government contracts and partly for longer hours on private work.

(*d*) As this bill is framed, it would be necessary for a contractor or manufacturer to employ men with watch in hand at all parts, places, and stages of the work to drive every mechanic and laborer from his work the very minute he has worked eight hours, for if he is "permitted" to work an instant overtime the contractor is liable for the penalty, whether or not he is innocent of any intentional breach of the contract. How unreasonable is a law which does not punish the violator—the laborer, who knowingly and intentionally works overtime—and punishes only the employer, who has neglected, perhaps through ignorance of the fact or inadvertence, to interfere and to stop the workman at the right moment.

The bill is objectionable as being against public policy, against the interest of the Government itself, and in the attempted though futile benefit of a class only; as being grossly unfair to the rest of the people who are not laborers or mechanics employed on Government works, by enormously increasing the cost of public work; as containing provisions outside of the legitimate functions of the Congress, etc., all of which objections, of course, have been fully and exhaustively argued before your committee by others, and which we will, therefore, not enlarge upon at this time.

We respectfully request that you will not favor reporting this bill in any form.

Very respectfully, yours,

E. F. MILLIKEN, *Vice-President.*

R. D. WOOD & CO.,
Philadelphia, May 7, 1906.

JOHN J. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: Pardon us for writing you another letter regarding legislation, but we take it that our Congressmen are sent to Washington to attend to that part of our business.

We are referring to bill H. R. 11651, limiting the hours and daily services of laborers and mechanics employed on work done for the United States, etc., to eight hours.

In the past we have furnished the Government considerable pipe, but should this bill pass we can see no way in which, under its provisions, cast-iron pipe can be manufactured, as eight-hour shifts will not permit the work to be done.

We take it that Congress in passing this bill will, at the same time, arrange for the erection of cast-iron-pipe foundries and such other manufacturing establishments whose business is of such a nature as to call for longer shifts than eight hours, as in the case of vessels, or perhaps the Government will be

satisfied to go without materials of this character, as it will be impossible for them to purchase them if the conditions stated in this bill are to become the law of the country.

Pardon this crude way of stating the proposition, but it is the easiest manner of illustrating how this bill will operate in not only our business, but many other kinds of manufacturing.

Yours, very truly, R. D. WOOD & Co.

BRISTOL, CONN., *May 7, 1906.*

Hon. JOHN J. GARDNER, M. C.,
Chairman Labor Committee, Washington, D. C.

DEAR SIR: We wish to enter our emphatic protest against H. R. 11651, as we believe that this bill is unjust and unfair both to the Government and to all parties concerned.

Respectfully, yours, W. E. SESSIONS, *President.*

WATERBURY, CONN., *May 7, 1906.*

Hon. JOHN J. GARDNER, M. C.,
Washington, D. C.

DEAR SIR: We wish to enter our emphatic protest against bill H. R. 11651. We consider it an unjust, discriminating piece of legislation, which would certainly work against the interest of the Government and would certainly not be beneficial to labor interests in the long run.

Respectfully, yours,

THE NOVELTY MANUFACTURING COMPANY.

CAMDEN, N. J., *May 7, 1906.*

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: We are very much interested in the progress of bill H. R. 11651, entitled "Bill limiting the hours of daily service for laborers and mechanics employed upon work done for the United States, or any Territory, or District of Columbia, etc." We very strongly protest against the passage of this bill, as it is interfering with the rights and privileges of individuals. We are supposed to be living in a free country, where the rights and privileges of individuals are equal, and it will be difficult to conduct one branch of work upon certain hours per day while perhaps the balance of the plant would be run on the regular standard time adopted by the majority of manufacturers.

An equalization of the cost of labor is probably justifiable, but that is no doubt a thing that will regulate itself. We do not think, however, that any law should be passed that would interfere with a contract that may be made between an employer and the employed. The restriction in the hours will not likely be productive of better results. We think that the contrary is likely to be the result of an experiment of that kind, for the reason that leisure time is not usually used by the laboring classes for advantageous purposes, and particularly is this so with the class of laborers with which the country has to contend at the present time. In addition to this the present system of labor organization has a tendency to raise the poorer class of workmen to the level of the better class, and experience seems to teach the fact that the disposition is to render the smallest amount of service possible for the compensation received. There are exceptions, however, to the rule, but in a general way we think you will find this correct. Under the circumstances we hope that you may feel justified in using your influence against the passage of the bill in question, keeping before you the fact that we are living in a free country, where the rights of each and every individual should be recognized.

Very respectfully, yours,

J. EAVENSON & SONS, INC.,
WM. J. EAVENSON, *Treasurer.*

PHILADELPHIA, *May 7, 1906.*

Hon. JOHN J. GARDNER, M. C.,
Washington, D. C.

DEAR SIR: As manufacturers and citizens we must respectfully protest against the favorable reporting of H. R. No. 11651. The passage of this bill would rule out all manufacturers in competitive work, except those whose establishments were conducted on a strictly eight-hour basis, and there is no justification for the passage of such an act.

Yours, truly, SCHOFIELD, MASON & Co.

DANBURY, CONN., *May 7, 1906.*

Hon. JOHN J. GARDNER.

DEAR SIR: Bill H. R. 11651, now before your honorable body, constitutes a measure of unwarranted interference with the right of individual liberty and a dangerous invasion of the natural laws of trade, which are shortening the hours of labor as speedily as commercial conditions permit and humane treatment of labor demand. Socialistic and radical legislation, enforcing arbitrary periods of employment, is highly objectionable and decidedly detrimental to our general welfare, and we therefore hope that this bill will not receive your favorable action, but that you will use your able influence to kill this measure.

Very respectfully, yours,

SIMON & KEANE.

LOUISVILLE, KY., *May 7, 1906.*

Hon. JOHN J. GARDNER,
Chairman House Labor Committee, Washington, D. C.

DEAR SIR: In the name of the Employers' Association and also the Building Contractors' Exchange of this city I beg most earnestly to ask that this organization be given a chance to be heard in opposition to any eight-hour bill that Congress may be called on to consider, provided your committee intends to have any hearings on any bill of this nature. The first-named organization in the above paragraph is composed principally of large and small manufacturers and business men, and the second of contractors in the building trades. We are deeply interested in the proposed legislation, and feel that we are not seeking more than our due when we ask that a hearing be accorded us. We would also like to claim your indulgence to the extent of being given at least an hour or two, in order that we may present our case thoroughly and properly.

Thanking you for anything that you may do for us in this matter, and assuring you of our very deep interest, we beg to remain,

Very truly, yours, E. A. QUARLES.

DAYTON, OHIO, *May 7, 1906.*

Hon. JOHN J. GARDNER,
Chairman House Committee on Labor, Washington, D. C.

SIR: In the event of your committee giving consideration to the eight-hour bill with a view of taking action upon it at the present session, the Employers' Association of Dayton, Ohio, respectfully requests that it be heard in opposition to said bill. It earnestly urges that a time be designated for the appearance of its representatives before your committee and that several hours be assigned to them.

If the Committee on Labor, the Congress, and the Government would make a summary disposition of those who seek to disturb conditions which are satisfactory to 95 per cent of all the people, even if it be to meet this question as it was recently met in Paris, it were well. The present policy is simply sowing seed of anarchy and revolution.

This opinion is expressed with becoming respect to the committee and its chairman.

I have the honor to be,

Your obedient servant, A. C. MARSHALL, *Secretary.*

HAVERHILL, MASS., *May 7, 1906.*

Hon JOHN J. GARDNER,
House Committee on Labor, Washington, D. C.

MY DEAR MR. GARDNER: So far as the favorable report or passage of H. R. 11651, a bill limiting the hours of daily service and fixing penalties therefor, is concerned, the same would be an outrage against American liberty. It should be the right of every man in this country to work as many hours as he pleases and as many as he can get paid for, in order to better his condition.

Very sincerely, yours, CHAS. K. FOX.

ROCHESTER, N. Y., *May 7, 1906.*

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: We have before us H. R. bill 11651. It hardly seems to us necessary to write a representative of either branch of Congress about such a bill as this is. It is class legislation of the worst kind, and how anyone could look at it differently we can not see. It is a bill for the purpose of advising everybody who wants to do business with the Government to do it in only one way, and you can readily see that there is no general competition open, and in most instances it is utterly impossible to compete at all.

We hope you will use your influence against this bill and do what you can in committee to kill it in some way.

Yours, truly, E. P. REED & Co.

SAGINAW, MICH., *May 7, 1906.*

Hon. JOHN J. GARDNER,
Chairman House Labor Committee, Washington, D. C.

DEAR SIR: Our attention has been called to bill H. R. 11651, now before the House of Representatives, limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or any Territory or District of Columbia, and we wish to register our protest against this bill as an unwarranted interference with the right of individual liberty and a dangerous invasion of the natural laws of trade. We are quite desirous that this bill should not be acted favorably upon in the House of Representatives, believing that the indirect effect of the labor situation will be most disastrous if the House of Representatives should pass the bill.

Yours, truly,

MERSHON, SCHUETTE, PARKER & Co.,
By F. E. PARKER, *Secretary.*

ROME, N. Y., *May 7, 1906.*

Hon. JOHN J. GARDNER,
Washington, D. C.

DEAR SIR: We beg to call your attention to bill H. R. 11651, and would state that we have in the past been in the habit of bidding on supplies wanted by the Government. It would be impossible for us to bid on such matters if the bill should become a law; the result would be that the material would cost the Government more than it now costs them, and we really believe if the bill passes that it would be impossible for the Government to purchase supplies from any mill in this business.

We therefore respectfully protest against its passage and trust you will agree with us.

Yours, truly, ROME BRASS AND COPPER CO.,
By J. S. HASELTON.

NEW YORK, *May 7, 1906.*

Hon. JOHN J. GARDNER,
Chairman House Committee on Labor.

DEAR SIR: We desire to report to you our opposition to House bill 11651, limiting the hours of service of employees. We do not object to arranging with employees that they should not work more than eight hours a day. What we

do object to is a forced arrangement of that kind, for we think such a forced arrangement is an interference with personal liberty and a wedge whereby the paternal governmental methods which have prevailed so disastrously both to employees and employers in Europe will become gradually permanently introduced in this country.

Yours, very truly, GEO. CARLTON COMSTOCK.

NEW YORK, *May 8, 1906.*

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

SIR: I write to express my very serious opposition to the bill introduced by yourself, H. R. 11651, limiting the hours of daily service of laborers. The bill would add very greatly to the expense of Government work, which is already far in excess of private work, and would be a serious restriction upon parties who are wishing to compete for the same. In view of the constant and alarming increase of governmental expense in every direction, it seems that such propositions are most objectionable.

Yours, respectfully, DAVID WILLCOX.

BRIDGEPORT, CONN., *May 8, 1906.*

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: We wish to protest against the passage of the eight-hour bill, H. R. No. 11651. We will not burden you with the details of our views against this bill at the present time, but we believe it to be inimical to the best interests of all manufacturers.

Very truly, yours, S. T. DAVIS, JR., *President.*

CHICAGO, *May 8, 1906.*

Hon. JOHN J. GARDNER, of New Jersey,
Washington, D. C.

DEAR SIR: We are owners of the Pedrick & Ayer plant, at Plainfield, N. J., therefore, as manufacturers in your State, we appeal to you in connection with the labor bill, H. R. 11651.

We believe that any such bill is unfair and unwarranted—unfair to manufacturers, and unwarranted because it is an interference with the individual rights.

We desire to be placed on record accordingly.

Yours, very truly, C. F. QUINCY, *President.*

THOMPSONVILLE, CONN., *May 8, 1906.*

Hon. JOHN J. GARDNER,
Washington, D. C.

DEAR SIR: Referring to bill H. R. 11651, we beg to place ourselves on record as unalterably opposed to its passage and to ask you to well consider it in this light and its effect on manufacturers, especially where Government work is ever done.

We often build machinery for the Government use, and the passage of such a bill would completely bar us from accepting the Government work. Were the above bill to become a law the manufacturing industry of this country would receive a shock and setback that would be incalculable in its disastrous effects, and one of the probable effects would be to make the Goverument manufacture its own supplies in every detail, which, for example, in our case would entail a serious expense in the way of patterns and shops for making special machinery. We have for a great many years furnished the Government special presses from time to time, that we have patterns for, and seem to be very satisfactory in its several departments.

This is only to illustrate the many lines of manufacture the Government has to purchase from who would be in the same position, namely, not able to estimate on their wants, for we certainly could not operate our factory and com-

pete with other countries on eight-hour basis. This, of course, is only an entering wedge of the labor leaders to get an eight-hour day all over this country, which we are certain the manufacturers of the country are in no condition to stand. The mechanic at work in the factory seems to be well satisfied with the conditions as they are, and is earning good wages, better than ever before, and if the manufacturing industry should receive a blow, that we believe the bill would give it, it certainly would be detrimental to the mechanic as well as the owner of the factory.

We trust this bill will be killed in the committee room. We might go on very much at length on the above lines, but think this will give you an outline of the matter that possibly you are familiar with. If it would not be asking too much of your valuable time we would appreciate a reply, stating your views on the above.

Yours, truly.

G. H. BUSHNELL PRESS CO.
M. W. BUSHNELL, *Manager*.

WORCESTER, MASS., *May 8, 1906*.

Hon. JOHN J. GARDNER,
Washington, D. C.

DEAR SIR: Our attention has been called to bill H. R. 11651, introduced January 12, 1906, and we write to say that we think this bill, if allowed to become a law, would be one of the most unjust acts that a Representative could lend his aid and support to. It would cut off the manufacturer's right to run more than eight hours on any work not for the Government that he may have in progress at the same time he has a Government contract. It is possible that we may never have a Government contract, but in the interest of fair play we do not believe that you or any other Representative should pass any such bill, and with respect, we remain,

Yours, truly.

HARRINGTON & RICHARDSON ARMS CO.
GEO. F. BROOKS, *Treasurer*.

PHILADELPHIA, *May 8, 1906*.

Hon. JOHN J. GARDNER,
Chairman House Committee on Labor, Washington, D. C.

DEAR SIR: We desire to protest against affirmative action on H. R. bill 11651, entitled "A bill limiting the hours of daily service of laborers and mechanics," etc., and to invite your refusal to report it for passage, on the following grounds:

(1) That it constitutes an unwarranted interference with the right of personal liberty and puts a handicap on the industry and energy of the individual. It was not by legislative weighting down of the able and ambitious that American mechanical and manufacturing supremacy was attained, nor will that supremacy continue under such legislation.

(2) That it is unnecessary. There is work in plenty for all who will take or do it and no reason for a forced distribution.

(3) The bill reduces hours on Government work from the ten or nine which rule at present to eight, involving either a reduction of 20 or 11 per cent in wages paid, or a like addition to cost of all labor employed on Government contract work.

It is not to be inferred that such reduction in wages is contemplated by the framers of the bill. The additional cost must therefore be paid by the Government.

(4) It is further obvious that no manufacturer can run partly on an eight and partly on a nine or ten hour basis. Unless, therefore, he can secure on Government contracts an extra profit amounting to 11 or 20 per cent, as the case may be, on his entire pay roll, he will be unable to undertake them.

The resulting embarrassment to the Government is not to be expressed in figures and should be ground for rejection of the bill were no other reasons presented.

Respectfully, yours,

THE LINK-BELT ENGINEERING COMPANY,
S. HOWARD SMITH, *Treasurer*.

BROOKLYN, N. Y., *May 8, 1906.*

Hon. JOHN J. GARDNER, *Washington, D. C.*

DEAR SIR: Referring to H. R. 11651, introduced into the House of Representatives January 12, 1906, which has been referred to your committee, we desire to call your attention to the fact that we think this bill is detrimental to the interests of manufacturers and workingmen alike, as it prevents anyone from working as many hours as one chooses. It would legally boycott, as far as the Government is concerned, all manufacturers who do not run their plants upon an eight-hour basis, and in our opinion constitutes an unwarranted interference with the right of individual liberty and is a dangerous invasion of the natural laws of trade, which are shortening the hours of labor as speedily as commercial conditions permit and humane treatment of labor demands.

Yours, very truly,

THE KNOX HAT MANUFACTURING COMPANY.
R. J. MACFARLAND, *General Manager.*

HARTFORD, CONN., *May 8, 1906.*

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: Referring to House bill H. R. 11651, now before your committee, permit us to enter our protest against a bill which is so eminently unfair both to manufacturers and the Government.

There are no manufacturers in our line, for instance, working fewer hours than ourselves, viz, nine. We have been supplying the Government with work for the Isthmus, Philippines, etc.—work that the Government does not make and must have.

The action of the bill would be to forbid our making the harness and force the Government to stop work, as they would be unable to obtain any in this country.

Regretting the necessity which compels us to encroach on your time, we are,

Yours, respectfully,

THE SMITH-WORTHINGTON COMPANY.
OLCOTT B. COLTON, *Treasurer.*

ANSONIA, CONN., *May 8, 1906.*

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: Our attention has been called to H. R. 11651, limiting the hours of daily service upon work done for the United States.

May we enter a protest against the passage of this bill? Our reason is as follows:

We are manufacturers of insulated wire and electric bells. Our business, in line, we believe, with every other manufacturer in this country, is on the ten-hour basis, and to quote on any of the requirements of the Government we would simply have to charge for ten hours' labor for eight hours' production, as of course it would be impossible to use a machine for other work which was occupied eight hours per day with Government work.

Of course, if the Government can stand it we can, but it doesn't seem like a business proposition.

Yours, truly,

THE ANSONIA ELECTRICAL CO.
L. F. ANSCHUTZ, *Treasurer.*

WATERBURY, CONN., *May 8, 1906.*

Hon. JOHN J. GARDNER, M. C.,
Washington, D. C.

DEAR SIR: It seems to us that any favorable consideration of bill H. R. 11651 would be deplorable, and we beg to briefly present our view point.

The manufacturer, or "machine builder" in our individual case, would be powerless to undertake to supply special goods to the Government were any restraint (and penalty for violating) placed on the number of hours that an employee may work. We would prefer not to work more than nine or ten hours daily, but owing to the difficulty of getting the services of a sufficient number of

competent machinists we are compelled occasionally to work evenings; otherwise we could not give to an important job the good attention that the circumstances of the particular case may warrant or may demand.

Any law in the direction of preventing a man working more than eight hours or any given number of hours for the Government is but the entering wedge, the initial step toward obtaining precisely the same universal legislation. Such a step would be an interference, a discouragement to the ambitious workingman; would be a blow to American freedom.

* * * * * * *

Most earnestly we protest against the passage of any bills that may at all resemble the bill H. R. 11651.

Very respectfully, WM. E. FULTON.

BRIDGEPORT, CONN., *May 8, 1906.*

SIR: We have the honor to address you in connection with H. R. 11651, and enter protest against enactment of this or other measures of a similar nature.

We do considerable work for the United States Government and it would be impossible to run our plant on a basis of eight hours' work for the Government and ten hours for our commercial work. We trust, therefore, that the manufacturers' view of this bill will be given careful consideration.

Respectfully,

AMERICAN AND BRITISH MFG. CO.,
By C. L. GULICK, *Manager.*

Hon. JOHN J. GARDNER,
Chairman House Labor Committee,
House of Representatives, Washington, D. C.

PLAINFIELD, N. J., *May 8, 1906.*

Hon. JOHN J. GARDNER, M. C.,
Chairman House Labor Committee,
Washington, D. C.

DEAR SIR: We understand that hearings have just commenced on bill H. R. 11651 before your committee, and we wish to protest against the passage of this measure, as it would legally boycott us so far as the Government is concerned, as we do not run our plant upon the eight-hour basis.

The disastrous effect of the passage of this measure to the interests of the Government is also, we believe, very apparent to you.

We further object to the passage of this bill as constituting an unwarranted interference with the right of individual liberty and a dangerous invasion of the natural laws of trade, which are shortening the hours of labor as speedily as commercial conditions permit.

We have in the past done considerable manufacturing for the Government, such as building lathes for turning, boring, and rifling 10-inch, 12-inch, and 16-inch guns, and the manufacture of disappearing carriages for the mounting of said guns for coast defense. Were this bill passed it would be impossible and impractical for us to do Government work. We are at present running our plant fifty-five and one-half hours per week, making ten hours on Monday, Tuesday, Wednesday, Thursday, and Friday, and five and one-half hours on Saturday. By this schedule the men get the half holiday. This is our practice the year through.

You can very readily see that if we had Government work in process it would be impractical to employ our men on Government work eight hours out of the ten, and on other work the remaining two hours.

Hoping we have made ourselves clear, we are,

Yours, very truly, J. T. W. MURRAY,
General Manager.

HACKENSACK, N. J., *May 9, 1906.*

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: We emphatically protest against the enactment of the parcel-post (consolidation) bill, as it will work to the serious, if not fatal, injury of the retail hardware trade throughout the country.

It is not necessary to enter into the whys and wherefores, as they have been fully covered by other remonstrances sent your honorable body.

Yours, respectfully,

ROMAINE HARDWARE CO.,
THEODORE ROMAINE.

WATERBURY, CONN., *May 9, 1906.*

Hon. JOHN J. GARDNER,
Chairman House Labor Committee, Washington, D. C.

DEAR SIR: We beg to call your attention to bill H. R. 11651. The passing of this bill would prevent this concern from competing for Government work. We believe a bill of this character is calculated to embarrass the Government in its purchases by limiting competition.

Yours, very truly,

CHASE ROLLING MILL CO.
F. S. CHASE, *Treasurer.*

WILKES-BARRE, PA., *May 9, 1906.*

Hon. JOHN J. GARDNER,
Chairman, Washington, D. C.

MY DEAR SIR: I wish to protest against reporting favorably bill H. R. 11651. I have had nearly fifty years' experience in business; I have tried the experiment of running our factory eight hours, nine hours, and ten hours. I have never yet been able to make any money running our business on the eight-hour basis. I believe it would be a great mistake and would be purely class legislation for the Government to make a law prohibiting men from working more than eight hours a day on anything that is being manufactured for the Government. It is useless for me to make a long argument on this subject. It is enough for a man with the experience in business that I have had to say to you that he thinks it would be a mistake to pass such a bill. This simple statement would no doubt have as much influence with you in regard to the bill as a long argument. I wish to ask you to use your influence against reporting this bill favorably.

Very sincerely,

J. E. PATTERSON.

THE NORWICH BELT MANUFACTURING COMPANY,
Norwich, Conn., May 10, 1906.

Hon. JOHN J. GARDNER,
Washington, D. C.

DEAR SIR: We beg to call your attention to H. R. bill 11651, which has been referred to your committee. The effect of this bill would be damaging to manufacturers of goods in our line who contract with the Government and furnish supplies. It is also too sweeping in its character and, in our opinion, wholly uncalled for, and we believe that the interests of employees would not be promoted by such legislation.

Yours, very truly,

THE NORWICH BELT MFG. CO.
H. H. GALLUP, *Treasurer.*

NIAGARA FALLS, N. Y., *May 10, 1906.*

Hon. JOHN J. GARDNER, M. C.,
Washington, D. C.

DEAR SIR: The McComas eight-hour bill now before your committee is one of those revolutionary measures pressed by coercive unionism which is fraught with danger to the manufacturers of our State, and we desire to enter a protest against its passage. Any attempt to arbitrarily restrict contractors and manufacturers to shorter hours on State work than is required for similar work

under corporate or individual control is a direct tax upon the citizens for the benefit of a small minority combined in a trust. Such class legislation is iniquitous and revolutionary. We trust your committee will not report this bill.

Yours, very respectfully,

A. H. G. HARDWICKE, *Secretary.*

RIVERSIDE, N. J., *May 10, 1906.*

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: We understand that bill H. R. 11651 is now before the House Committee on Labor, and we desire to take this opportunity of expressing our opinion that should this bill become a law it would work serious injury both to the Government and to many manufacturers in this country—to the Government in that it would absolutely prevent its purchasing certain lines of goods which are made exclusively by manufacturers who would decline to accept contracts which would necessitate the running of their plants, or a certain number of their employees, on a different time than that under which the plant regularly operates; and that in many instances it would deprive the Government from purchasing its materials and supplies at as low a price as it could do if every manufacturing concern in the different lines of business were free to bid in competition.

The injury to the manufacturers would be that there are many concerns that are doing a certain amount of work for the Government that would be forced to discontinue this, for the reason that it would not be practical to operate their works on a basis of two different times as representing a day's labor, and if they were to attempt to operate their entire plant on the eight-hour basis it would put them entirely out of competition on that portion of their business which is done outside of Government contracts.

Speaking for ourselves, we have always done more or less work for the Government, and just at this time we have in contemplation certain plans which if put in operation would place us in position to do a very large amount of Government work, and which would mean the erection of large additions to our plant and the employment of large numbers of additional workmen, which would enable us to supply the Government with certain classes of goods of a quality and at prices which they have never had before; and yet, if this bill were to become a law we should be compelled at once to change our plans, as we should not be justified in catering for Government work upon the eight-hour basis, as the interference with our regular business would be too great to make it practical.

We therefore take this opportunity of entering our earnest protest against the passage of bill H. R. 11651, believing that it will work injury to the Government, injury to the American manufacturers, injury to the American workman.

Yours, very truly,

THE RIVERSIDE METAL COMPANY,
W. P. MCGLYNN, *General Manager.*

BOSTON, MASS., *May 10, 1906.*

Hon. JOHN J. GARDNER,
House Labor Committee, Washington, D. C.

MY DEAR SIR: I write you at the direction of the executive committee of the Employers' Association of Boston, which is one of 437 other organizations of a like character scattered over the United States and centralized in the National Citizens' Industrial Association of America, whose headquarters are at 1135 Broadway, New York City, to say that it is the unanimous opinion of the executive committee of this association that the legislation now proposed before your committee, and known as the "McComas eight-hour bill," which Gompers et al. are pressing before your committee, should by all means not receive the support of your committee in the shape of a recommendation that it do pass. They recognize that this is a part of a plan of unionized labor to force the eight-hour day by legislation upon the American employing public. They know by past experience that this would work a great wrong upon this nation, and particularly so when the condition of public unrest, which is now very apparent, is considered.

The individual members of this association and all others who are at all interested realize the fact that such legislation as this will bring about all sorts of lawlessness, intimidations, and boycotts and will accentuate the fact that is palpable to every thinking person, that organized labor under its present leadership is but a menace to the foundation of this Republic, and they desire you to know that as individuals and as associations they will not stand for any further coercion or attempted coercion by legislative means, if in their power to prevent it.

The voters of this country are fast realizing the fact that two millions of organized labor have long enough controlled in the legislative halls of Congress and in the State legislatures upon questions of this character, and if the servants of the people are bound to be guided by the domination of this organization, then the larger and greater organizations are prepared by their ballots to show that they are bound to be heard when the time comes upon this question in their different Congressional districts.

We in Boston are thoroughly alive and fully awake and are awaiting the action of your committee, and we expect that your action will be for the best interests of the greater number.

Yours, very respectfully, ALBION P. PEASE, *Secretary.*

TOLEDO, OHIO, *May 11, 1906.*

Hon. JOHN J. GARDNER,
Washington, D. C.

DEAR SIR: We have just learned that you are a member of the House Labor Committee and that the McComas eight-hour bill is being pressed to a favorable report.

This company wishes to be placed on record against any such a bill, as it would be ruinous to the larger part, if not all, of the smaller manufacturing institutions in the United States.

We do not believe that any manufacturing institution employing less than 100 men could subsist on the profits they are able to make out of their men during eight hours' work on the part of the men.

Take the ordinary manufacturing institution. They are required to have a manager, secretary, bookkeeper, two to three stenographers, shipping clerk, foreman, draftsman, timekeeper, and considerable nonproductive labor. The wages paid to these people, together with all expense of advertising, traveling, and all incidentals, must be charged up against the product of any manufacturing institution, and the more goods we are able to turn out the smaller the percentage of expense to be charged against its cost.

In other words, the standard overhead expense in the factories the size above mentioned is about 60 per cent on nine to ten hours' workday. If you cut this workday down from nine hours to eight hours you are increasing the overhead expense 15 per cent, which means that a manufacturer will make 15 per cent less profit.

If you will make proper investigation you will find there are very few manufacturing institutions over the country that makes 15 per cent on everything they send out. Fact is, we would nearly all be highly pleased to make 10 per cent, and if this eight-hour labor day goes into effect it will close down more manufacturing institutions than anything our Representatives or Senators have ever done for us.

We therefore request that you use your earnest endeavor to see that no report is made on this eight-hour bill.

Labor already has the manufacturing institutions of this country in such a shape that it is a question whether or not they are serving their own best interests by remaining in business.

If some of your Representatives could deal directly with labor for about a year you would take a different view of their supposed wrongs.

We should appreciate your reply to this letter and be glad to know that you intend using your influence against an eight-hour bill.

Yours, very truly,

THE ADVANCE MACHINERY COMPANY,
J. A. TAGGART, *President.*

NEWARK, N. J., *May 11, 1906.*

Hon. JOHN J. GARDNER,
Member of Congress, Washington, D. C.

DEAR SIR: I am very sorry to see that the old McComas eight-hour bill is being again pressed by the labor unions, and for our own firm, Carter, Howe & Co., and the Manufacturing Jewelers' Association of the city of Newark I wish to enter a most vigorous protest against reporting such a bill. I personally appeared before your committee a year or two ago against these or similar measures. While the manufacturing jewelers take no Government contracts, their success depends upon general business prosperity, and the least attempt to unsettle business conditions is always disastrous.

To deprive an American citizen of the right to work when and as long as he pleases, in fact to make him a criminal if he fails to obey the behest of a self-constituted power, seems so absolutely unjust as to demand no refutation. However, as a paid lobby (against which the States of New York and New Jersey are in protest), in this case the so-called "labor representatives," who do no work, are so persistent in this agitation, we are compelled to again enter a vigorous protest. This legislation greatly affects our entire country and interferes with our prosperity. We therefore ask that you use your influence to save us from any form of class legislation. All we ask is justice and a square deal.

Very respectfully, GEO. R. HOWE, *President.*

NEW BRITAIN, CONN., *May 11, 1906.*

Hon. JOHN J. GARDNER,
Washington, D. C.

DEAR SIR: We have before us a copy of H. R. 11651, limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or any Territory or the District of Columbia. This bill is designed to legally boycott all manufacturers operating their plants longer than eight hours per day who desire to enter into competition for Government contracts. This is, indeed, the avowed object of the advocates of this bill.

In our field of industry—builders' hardware—there is not a single firm of any prominence or responsibility that is not running its plant at least nine or ten hours per day. Many are running overtime. They can not afford to do otherwise. The same conditions are general throughout the industrial world.

Government work is not of sufficient importance to any hardware manufacturer to warrant the reduction of his hours of labor to eight for the sake of placing himself in a position to execute Government work according to the terms presented by this bill. Consequently, if the bill were passed, the Government would be obliged to purchase of small and irresponsible makers, competition would be eliminated, and the Government obliged to buy hardware of an inferior grade at any price its makers might choose to ask. So much for its effects upon Government interests.

Regarding it from our side, we claim that it is an impudent invasion of our rights to run our plant what hours our men are willing to work and the right of our men to work ten hours or longer if they desire to labor so long. It makes the Government the agent of the unions in imposing union hours on all who participate in Government contracts, and makes it party to wholly unjustifiable discrimination.

The bill is a mischievous interference with natural trade conditions and with the workingman's right of contract. We have no quarrel with the eight-hour principle, and believe that it will eventually become the general period of labor. It should come, however, in the working out of commercial evolution, as other reductions in working hours have come, and not as a result of harassing legislation.

We protest against this bill as a measure framed to benefit one class in the community at the expense of another and as a meddlesome interference with individual rights; and we venture to express the hope that your influence may be opposed to this bill as well as to any other proposed legislation of a similar character.

Yours, very truly, RUSSELL & ERWIN MANUFACTURING CO.,
I. D. RUSSELL, *Treasurer.*

WINSTED, CONN., *May 11, 1906.*

Hon. J. J. GARDNER, M. C.,
Washington, D. C.

DEAR SIR: We desire to offer our suggestions in regard to the eight-hour labor bill, which we understand is now being pressed upon the Labor Committee for consideration.

As a manufacturer of fifty years' experience, I think I can speak from something besides a theoretical standpoint.

We believe that no legislation is necessary on this matter. Every person, corporation, or municipality should have the right to make such terms with their employees as to hours and wages as the parties concerned can agree upon. The Federal Government has no more right to settle the number of hours a man may work each day than it has to try to settle the question of how much money an employer shall pay for service of any kind. This will be, if enacted, class legislation of the rankest kind in our opinion, and should not be allowed to be reported for action by the House at all.

The Government has the right to say how many hours labor shall be performed each day by its employees, and regulate the wage. The laborer has the right to elect if he will accept the job or not. Is this a free country? If so, then every man, woman, corporation, or otherwise has a perfect right to say whether they wish to run their business on an eight, nine, or ten hour basis, and when such a condition ceases to exist then we are not a free people. The question should be left to the parties concerned to settle such points, we think.

The question of establishing by law how many hours a man may run his factory, if enacted, will be followed soon by another law of how many dollars per day he shall pay laborers, all of which we believe to be unconstitutional, unbusinesslike, and not calculated to promote the best interest of either employer or employees, nor the country at large.

When I first commenced to manufacture, custom had established eleven hours as a day's work. Later the views of business men generally seemed to be that ten hours would be a better basis to do business on, and a change came about in a natural way. No law was made concerning it that I ever heard of. Later still a nine-hour day has come to be quite common in many of the large towns and factories, but not general by any means, but if experience and common sense finally show that a nine-hour basis is the best for everybody concerned, all will gradually accept it without the enacting of laws to force it along, and the same results will be obtained as to the eight-hour basis if shown by experience that it is for the good of all concerned. The idea that Government can say to one class of employers, "You shall not run your business but eight hours per day," while other lines of industry are undisturbed by such laws, is one-sided and unfair.

The idea that contractors taking jobs from the Government must be hampered by any law recognizing an eight-hour day is a very unwise and malicious thing, and should not be tolerated at all. It does not require any argument to show why, either. The employing part of the public have rights that must be guarded as well as the employed part, and, as with all such questions, it should be left to time to thrash it out on a basis that will stand, without revolutionizing the whole country.

We wish most earnestly to impress upon your committee that the employing public, so far as our observation goes, does not desire any such law enacted, and hope it will not be reported at all.

With best wishes for your future, we are,

Yours, truly,

WM. L. GILBERT CLOCK CO.,
J. G. WOODRUFF, *President and Treasurer.*

TROY, N. Y., *May 11, 1906.*

Hon. JOHN J. GARDNER,
Washington, D. C.

DEAR SIR: We sincerely trust you will use all the influence you can bring to bear against a favorable report on any eight-hour bill now pending before Congress.

We believe the people are heartily tired of the unreasonable attitude of unionism and will not stand for coercion through Congressional action. Any eight-hour bill is a menace and uncalled for, except by unionist agitators.

The great mass of workers are satisfied with present conditions. Shorter hours would mean increased cost of production, hence a corresponding advance in the necessaries of life.

We trust you will give this important matter your earnest attention, as we are thoroughly satisfied that adverse action will be for the best interests of the country at large.

Very truly, yours, FELLOWS & Co.

BOSTON, *May 11, 1906.*

Hon. JOHN J. GARDNER, M. C.,
Washington, D. C.

DEAR SIR: There is a bill before Congress—the McComas eight-hour bill—which puts our business of manufacturing brushes in jeopardy.

We have a considerable and growing trade in exporting brushes manufactured by us to Australia, South America, Mexico, and England, all of which are sold in competition with English and German brush manufacturers. Our factory is run on the nine-hour basis, and it is a difficult problem now to hold our own in getting and retaining foreign trade. A cutting down or hampering us to make a shorter workday distinctly means that we will have no export trade, and we need it.

This is only one of the objections to the bill named, but it alone, as relating to brushes and other goods seeking foreign markets, is so important that the principle should not prevail.

We trust you will use your endeavors to prevent the bill, or any eight-hour bill, becoming a law.

Very truly, yours, JOHN L. WHITING & SON Co.,
LEW C. HILL, *Secretary.*

SYRACUSE, N. Y., *May 11, 1906.*

Hon. JOHN J. GARDNER, M. C.,
Member of "House Labor Committee,"
House of Representatives, Washington, D. C.

DEAR SIR: We understand that the labor lobbyists are still continuing their efforts to get a favorable report from your committee on the "McComas eight-hour bill," and believing that this bill is revolutionary in its character, not for the best interests of the country or the so-called labor element, and that the manufacturers of the country are sick and tired of the constant attempts of the labor agitators to carry out their plan of coercive unionism to force the eight-hour day into all the factories of the country, it is very patent to anyone at all familiar with the matter that the present effort to adopt this eight-hour law in all Government Departments and in all places where work for the Government is performed is but an entering wedge to include every manufacturing interest in the country.

We believe it entirely wrong to discriminate in the manner provided for in this bill against manufacturers who are not Government contractors, and that the time has arrived when the Congress should see to it that they do not assist the labor agitators in their lawlessness, boycotts, intimidations, and strikes by the passage of this bill, which, as stated above, is simply an entering wedge to enforce it in all manufactories of the country.

We believe that the great majority of the people who employ labor are with us in the suggestion that you do not allow this bill to be reported favorably out of your committee, and we hope and trust that you will sit down on it, and sit down on it hard.

Yours, very truly, THE ENGELBERG HULLER Co.
A. A. SCHENCK, *Secretary.*

NEW YORK, *May 11, 1906.*

Hon. JOHN J. GARDNER,
Washington, D. C.

DEAR SIR: We understand that the labor lobbyists are pushing the eight-hour bill again, and we ask you to kindly lend your best efforts to defeat any such measure. It is hard enough for us, as manufacturers, to compete with cheap foreign labor, and we ought not to be called upon to reduce working hours. A

bill making eight hours compulsory would bring great hardship, not alone to the manufacturers, but to the workingmen, as manufacturers would gradually have to close their factories owing to their inability to compete with foreign labor. We believe that ten hours is a fair working day, and if workmen are paid well for the hours they work no one should object to the length of the present working day.

Very truly, yours,

LEHMAIER, SCHWARTZ & Co.
J. L. S.

NEWARK, N. J., *May 11, 1906.*

Hon. JOHN J. GARDNER,
House Labor Committee, Washington, D. C.

DEAR SIR: We understand that there is a bill before your committee in the House known as the McComas eight-hour bill, and we beg most respectfully to enter our protest against the passage of any such measure, which is inimical to the manufacturing interests of this country. It would simply mean increased cost of production if any attempt is made to put such laws in general practice. With the prevailing excessively high cost of all raw materials the manufacturer is at his wits end to produce his goods at anywhere near a marketable cost, and the limit must be reached some time, both as regards the high cost of raw materials and excessive demand of labor agitators.

We hope that your committee will not recommend the passage of this measure.

Yours respectfully,

STENGEL & ROTHSCHILD.

PHILADELPHIA, *May 11, 1906.*

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: We address you concerning the eight-hour bill now before the House Labor Committee, of which you are a member, and beg to request your adverse vote on same.

In the present state of the country and of the restrictions and coercions of labor unions a national eight-hour bill would be, in our opinion, a great misfortune. We employ 400 people, all of whom, we believe, are content and prosperous, running our factory fifty-five hours per week. We beg to assure you that the sentiment of the employers of labor in this country is strongly against any national eight-hour bill.

Yours, truly,

PIONEER SUSPENDER COMPANY.
FRANK A. FREEMAN.

PHILADELPHIA, PA., *May 11, 1906.*

Hon. JOHN J. GARDNER,
Chairman House Committee on Labor,
House of Representatives, Washington, D. C.

DEAR SIR: I understand that the McComas eight-hour bill, or a bill in effect the same as the McComas bill, is now before your committee for consideration. I suppose that there can be no doubt that the advocacy of this bill comes chiefly from the labor unions or from those working in their interests. I venture to ask your attention for a moment, because I have been for thirty years at the head of industrial establishments, where I have been directly responsible for the relations between the corporations I represented and their labor.

I may say, further, that there has never been a general strike, or a prolonged or bitter strike of any department in any establishment that I have managed, which I take to be evidence that the men under my management have been generally satisfied and pleased with the conditions of their employment. I can not but feel, however, that the harmonious relations, the mutual confidence that has always existed between me and the men under me, is in constant jeopardy on account of the general and growing influence of the trades unions, and I think that the same danger hangs over thousands of industrial establishments where

pleasant relations and mutual confidence between heads and subordinates has existed for years.

The point I wish to make after this introduction is that the trades unions are acquiring in this country a power no longer used for defense, but for mischief; that the objects of this influence are in many cases as truly selfish and oppressive as those of the great trusts of the worst sort; that their methods are often subversive to liberty and out of harmony with the spirit of our institutions. Labor unions are rapidly getting to be no longer a proper combination to resist injustice, but a great power acting without corporate responsibility, often with ruin to certain industries, and always with a purpose to unreasonably tax the community, whose laws they defy for the benefit of a limited class.

There are many practical objections of great weight to an eight-hour bill, but with these you are undoubtedly quite familiar. The real question in my mind is whether our National Congress shall foster special interests already grown so powerful as to seriously menace individual liberty and the integrity of our laws.

Very truly, yours,

THE AMERICAN PULLEY COMPANY,
CHARLES A. BRINLEY,
Managing Director.

NEWBURGH, N. Y., *May 11, 1906.*

Hon. JOHN J. GARDNER, M. C.,
Washington, D. C.

DEAR SIR: We understand that the House Labor Committee, of which you are chairman, have a bill before them in favor of a general eight-hour law. In my opinion, this would be a great damage to the textile industry of this country, and I hope you will not report it to the House for passage. The textile industry is too much handicapped by labor unions already, without placing this additional burden upon it.

Yours, truly,

HARRISON & GORE SILK COMPANY,
JAMES HARRISON, *President.*

WORCESTER, MASS., *May 11, 1906.*

Hon. JOHN J. GARDNER, M. C.,
Washington, D. C.

DEAR SIR: As a member of the House Labor Committee, we take the liberty of offering you our most sincere protest to favorable consideration on the part of your committee to the so-called McComas eight-hour labor bill, which we understand is coming up next week. The labor conditions of the manufacturers, especially in New England, are becoming very serious. You probably appreciate we have no natural advantages and are dependent entirely upon the productive ability of our workingmen to compete with the rest of the country more fortunately situated.

Favorable consideration of this bill will tend to force the same short hours in our private work as will be required for Government work—that is, we do more or less Government work upon which, we understand, we could only allow our men to work eight hours. It will be very hard to separate this work from our regular run. We do not believe the demand is called for, except by professional labor agitators, who have everything to gain and nothing to lose. We know our men are satisfied with present conditions, and we believe this is the case with the great bulk of the laboring men all over the country.

Thanking you for your attention, and again urging our protest, we beg to remain,

Yours, truly,

SPENCER WIRE CO.
H. W. G., *President.*

NEWARK, N. J., *May 11, 1906.*

Hon. JOHN J. GARDNER,
House Labor Committee, Washington, D. C.

DEAR SIR: Referring to the McComas eight-hour bill, which we believe we wrote you about previously, we understand this is coming up again for consideration, and we trust you will use your every effort in not allowing this bill to be recorded. It is vicious in its conditions and revolutionary in its principles, and will certainly work harm among the manufacturers of machinery or supplies who are furnishing same to the Government.

Yours, very truly,

GOULD & EBERHARDT.
C. E. H.

PITTSBURG, PA., *May 11, 1906.*

Hon. JNO. J. GARDNER,
Washington, D. C.

DEAR SIR: The Builders' Exchange League of Pittsburg, with a membership of 1,000 representative contractors and manufacturers, desire, through the House Labor Committee, to protest against the McComas "eight-hour bill" now being urged in an arbitrary manner by certain bodies, unauthorized by the State, who believe only in a rule-or-ruin policy.

It is a further demand for mastery under the guise of shorter hours, and if carried to its ultimate conclusions would bring disaster and ruin to all industries and equal disaster to its advocates, thus endangering the entire industrial community.

The public is sick and tired of restrictions and coercions of unionism, as exhibited in their strikes, lawlessness, intimidations, and boycotts, and our association faithfully hopes your committee will not present a favorable report, or, in fact, permit to be reported any eight-hour bill whatever.

Very respectfully,

BUILDERS' EXCHANGE LEAGUE.
W. W. CAMPBELL,
Assistant Secretary.

NEW YORK, *May 11, 1906.*

DEAR SIR: My attention has been called to the McComas eight-hour bill, which is now, I believe, before your committee. It seems, from my point of view, to be unnecessary to protest against the passing of this bill. I believe it most revolutionary, and in every way undesirable; and as a practical business man I should like to be numbered among those who are unqualifiedly against the acceptance of any such measure by our lawmakers at Washington.

Respectfully, yours,

F. N. DOUBLEDAY.

Hon. JNO. J. GARDNER,
Washington, D. C.

SYRACUSE, N. Y., *May 11, 1906.*

Hon. JOHN J. GARDNER,
Washington, D. C.

DEAR SIR: We understand there is a movement being made to have the McComas eight-hour bill reported and acted upon.

Without going into any extended argument, we are opposed to this kind of legislation. The supply and demand has, and we believe will, regulated the price of labor and the hours. The small proportion of unionized labor are asking entirely too much and are too aggressive and tyrannical, and should not receive the consideration they do until their methods are materially changed. They are but a small proportion of the population of this great country, and we hope your committee will prevent any consideration of this bill at this time.

Yours, truly,

THE PARAGON PLASTER CO.,
W. K. SQUIER,
Treasurer and Manager.

TROY, N. Y., *May 11, 1906.*

Hon. J. J. GARDNER,
Washington, D. C.

DEAR SIR: Trusting you will not deem us presumptuous, we most respectfully request and urge you not to press to a favorable report the McComas eight-hour bill or any other eight-hour bill. It is our firm conviction that it would be a great wrong, especially in the present condition of public unrest, to force any such measure upon the national community.

Yours, very truly,

COVERT MFG. CO.

PITTSFIELD, MASS., *May 11, 1906.*

Hon. JOHN J. GARDNER.
House Labor Committee, Washington, D. C.

DEAR SIR: Can we hope that you will use your influence against the McComas eight-hour bill? We would wish that you could see your way clear to oppose even a favorable report on this bill. It seems to us that this is favored only by the labor element, and the public in general are becoming sick and tired of the restrictions and coercions imposed upon them by the unions. We think that you will understand that the bill simply applying to the Government work is to be used as an opening wedge, and that they will work from that to have it compulsory throughout the country. We are under the impression that there was a hearing before your committee last year, at which time many facts and figures were presented which showed the injustice that would be worked upon the manufacturers in general. We hope that you understand that we feel very strongly in this matter and look to you as a member of this committee to safeguard our interests.

Yours, truly,

S. N. & C. RUSSELL MFG. CO.

TROY, N. Y., *May 11, 1906.*

Hon. JOHN J. GARDNER,
Washington, D. C.

DEAR SIR: We believe that it is to the interest of the country at large that all labor bills be pushed aside for this session of Congress.

With the upward tendency of prices and the cutting down of the hours of the working day, it will react; and the laboring man that does work will have to pay for it. It is our observation in these matters that there is a professional agitation for a shorter day rather than agitation from the actual workers; that it is a man that draws a salary for representing a labor organization that talks it.

Yours, truly,

H. C. CURTIS & COMPANY,
By C. G. CLEMINSHAW, *Treasurer.*

DAYTON, OHIO, *May 11, 1906.*

Hon. JOHN J. GARDNER, M. C.,
Washington, D. C.

DEAR SIR: As one of the large manufacturers of this city and also of the country, we beg to lay before you our opposition to the eight-hour labor bill, which we understand comes before your committee for recommendation. We desire to enter our protest against a favorable report on this bill, and we trust that you, as one of the committee, will not report same favorably.

Yours, truly,

BUCKEYE IRON & BRASS WORKS,
W. B. ANDERSON, *Secretary.*

MIDDLETOWN, N. Y., *May 11, 1906.*

Hon. JOHN J. GARDNER,
Washington, D. C.

DEAR SIR: We understand that the McComas eight-hour bill is before your committee, and we write urging you to use your influence with the committee not to have this bill reported, or, if reported, that same will be unfavorable.

We consider any eight-hour bill is revolutionary and dangerous and would be discriminatory in time upon all manufacturers not Government contractors. We consider it is part of the plan of coercive unionism to force the eight-hour day into all the factories of the country, and that it would be a great wrong, especially in the present condition of public unrest, to force such a thing upon the national community, and that the people are sick and tired of the restrictions and coercions of unionism as illustrated in their strikes, lawlessness, intimidations, and boycotts, and will not stand for any further coercion or attempted coercion by legislative means.

Aside from all this general objection, it would be ruin to people in the tanning industry, for reason that it is necessary to work at least ten hours in order that our raw material will not spoil in first stages of process.

We did not think it necessary to write to all the members of the committee, so write to you as chairman, and would appreciate it if you would bring this matter to attention of all.

We thank you in advance for anything you can do for the general good.

Yours, very truly,

THE HOWELL-HINCHMAN CO.
T. E. HOYER, *Secretary.*

BALDWINSVILLE, N. Y., *May 11, 1906.*

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: We understand that the McComas eight-hour bill is now before the Legislature.

We desire to protest against favorable action upon it, either by your committee or on the floor of the House. We think it is a revolutionary and dangerous measure, and as manufacturers we protest against its passage.

We trust, therefore, that you will use your influence to defeat the bill.

Yours, very truly,

MORRIS MACHINE WORKS,
R. C. SCOTT, *Secretary.*

NORRISTOWN, PA., *May 11, 1906.*

Hon. JOHN J. GARDNER,
Member of House Labor Committee,
House of Representatives, Washington, D. C.

DEAR SIR: We understand that there is to be presented to your committee a bill known as the "McComas eight-hour bill," which is being pressed by the labor organizations.

We feel sure that the representatives of the people will not allow such a measure as this to be reported favorably. It would so revolutionize the manufacturing interests of our country that the prosperity which they have been enjoying for the past several years, in which the employees have been participants, would be very seriously affected. While the bill in question would apparently affect only such concerns as are working for the Government, it would naturally be the entering wedge for a measure of this character to be presented, and we can not see how it is possible to discriminate between factories employed upon Government work and those that are not.

The position which has been taken by the labor organizations during the past year or two has been such as to thoroughly disgust all fair-minded people, in consequence of their restrictions and coercions, as illustrated in their strikes, lawlessness, intimidations, and boycotts. We beg, therefore, to protest most vigorously and very seriously against the favorable report of such a measure on the part of your committee, and trust that we may be favored with a reply from you as to your views on the subject.

Yours, respectfully,

RAMBO & REGAR (Incorporated),
Per JOS. S. RAMBO, *President.*

MEDINA, N. Y., *May 11, 1906.*

Hon. JOHN J. GARDNER,
House Labor Committee, Washington, D. C.

DEAR SIR: As manufacturers we are very much interested in legislation on the labor question.

Having been in the manufacturing business over thirty years, and the writer prior to that having been a laboring man, appreciate both the situation of the employer and the employed. Our experience teaches us that under the present conditions what has existed with labor unions for the last twenty years has been very detrimental both to the laboring class and to the manufacturers.

We urgently request that your committee will not permit to be reported any eight-hour bill whatever. In our vicinity the manufacturers and all the em-

ployers of labor are working ten hours, and were we compelled to adopt an eight-hour day it would be suicidal.

Again we urgently request that you consider these matters fairly and protect, as far as possible, the best interests of our country.

Yours, very truly,

A. L. SWETT IRON WORKS,
A. L. SWETT, *President.*

NIAGARA FALLS, N. Y., *May 11, 1906.*

Hon. JOHN J. GARDNER, M. C.,
Washington, D. C.

DEAR SIR: We wish to protest against the attempt of the labor people to have laws passed which would be most injurious to the manufacturing interests of the country. We refer especially to what is known as the "McComas eight-hour bill." We trust that the same may not become a law. We could give a thousand good reasons why this bill should not be passed.

Yours, truly,

FRANCIS HOOK AND EYE AND FASTENER CO.
H. A. FRANCIS, *President.*

RIEGELSVILLE, N. J., *May 11, 1906.*

Hon. JOHN J. GARDNER,
Member of House Labor Committee, Washington, D. C.

DEAR SIR: As New Jersey manufacturers we appeal to you to stand by our interests as well as that of every man in our employ, and do all you can to prevent any favorable report by your committee on the McComas (or any other) eight-hour bill.

We shall look upon the passage of a national eight-hour labor bill as nothing short of a calamity to the country.

We are satisfied 80 per cent at least of all intelligent workingmen in this country feel exactly as we do in this.

Thanking you for the efforts we feel sure you will make in the real interest of the manufacturers and workmen of the State of New Jersey to prevent any favorable report of the bill referred to, we remain,

Yours, very truly,

TAYLOR, STILES & CO.,
Per C. W. GRIFFIN.

ROCHESTER, N. Y., *May 11, 1906.*

Hon. JOHN J. GARDNER,
New Jersey.

DEAR SIR: As a member of the House Labor Committee, we earnestly request in the interest of the manufacturing industry and the camera-manufacturing industry in particular to report without your approval the McComas eight-hour bill. It would be a great wrong, especially in the present condition of public unrest, to force such a thing upon the nation. This bill would be revolutionary and dangerous not only to the manufacturers, but to the financial interests as well.

Trusting that we may hear that you have signified your disapproval upon this measure, we remain,

Very sincerely, yours,

SENACA CAMERA MFG. CO.,
Per F. K. TOWNSEND.

CHICAGO, *May 11, 1906.*

Hon. JOHN J. GARDNER,
Washington, D. C.

DEAR SIR: We request you to use every influence in your power to prevent any consideration of either the McComas eight-hour bill or any other eight-hour bill that may come up for consideration before your committee at the present session.

Labor unions are trying their best to run the manufacturing interests of this country, and any concessions that are made in the laws of the country to

lower the number of hours for a day's work from what they are at the present time are very dangerous.

Our object in writing you this letter is simply to impress upon you our feeling as to the importance that it is to the best interests of the people of this country that your committee gives absolutely no favorable consideration to this or any other eight-hour bills. We don't want them.

With kind regards, we are,

Yours, very truly,

STEPHENS-ADAMSON MFG. CO.
W. W. STEPHENS, *President.*

THE NATURAL FOOD COMPANY,
Niagara Falls, N. Y., May 11, 1906.

Hon. JOHN J. GARDNER,
Member of Congress, Washington, D. C.

DEAR SIR: We hereby desire to enter our protest against the McComas eight-hour bill, which is now before the House Labor Committee, of which we understand you are a member.

In our opinion this bill is an entering wedge for a universal eight-hour day and should be opposed.

Trusting that you may view the matter in the same light,

Yours, very respectfully,

A. J. PORTER, *Second Vice-President.*

SWINDELL BROTHERS,
Baltimore, May 11, 1906.

Hon. JOHN J. GARDNER,
Washington, D. C.

DEAR SIR: As a member of the House Labor Committee, we write urging you in regard to the McComas eight-hour bill not to vote for a favorable report or to permit to be reported any eight-hour bill whatever. As manufacturers, we consider such legislation would be discriminatory in time upon all manufacturers not Government contractors. We understand that it is a part of the plan of coercive unionism to force the eight-hour day into all the factories in the country. This, we consider, would be a great wrong, especially in the present condition of public unrest, to force such a thing upon the national community, and we believe that the people are sick and tired of the restrictions and coercions of unionism, as illustrated in their strikes, lawlessness, intimidations, and boycotts, and that manufacturers' patience has been taxed to the utmost, and we can not stand for any further coercion or attempted coercion by legislative means.

We believe that any eight-hour bill is revolutionary and dangerous, and we trust you will use your influence against any favorable report on this bill, and with kind regards, we are,

Yours, very truly,

SWINDELL BROS.

ATHOL, MASS., *May 11, 1906.*

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: As progressive manufacturers and large employers of labor and having the best good of the laboring class at heart, we, some four or five years ago, voluntarily gave our employees the benefit of a nine-hour day in place of ten, without reduction of pay, and have since kept it up without any compulsory law. We believed we could stand this and yet meet competition and hold our export trade, but we find it close work to do it. Now, we learn with dismay that the anarchistic element of the laboring class is trying to make our legislators think that a compulsory eight-hour day would be in the interest of the laboring men and for the good of our country.

We are writing to assure you that we believe such compulsory law would be the most damaging one that ever cursed our country and our country's people. The better class of laboring men don't want it; no manufacturer wants it. In the interest of our country we protest against it. Every patriot

should and would be ashamed to live in our supposed free country hampered by laws which would abridge his freedom from engaging in any useful employment as many hours a day as he might wish. Think of it! Hotel and saloon men licensed to sell rum until 12 o'clock at night, while the honest and patriotic manufacturers and laboring classes are prohibited from working in their own interest and the interest of our country more than eight hours a day. The idea should be too ridiculous and absurd to entertain for a moment, and those seeking such legislation should be severely snubbed and taught that this is a free American country.

Trusting your good sense will prompt you to refuse to report such a mischievous bill, we are,

Very truly, yours, THE L. S. STARRETT CO.,
By L. S. STARRETT, *President and Treasurer.*

BALTIMORE, *May 11, 1906.*

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: We have on several previous occasions taken the liberty of writing you in reference to the McComas eight-hour bill. Our attention has again been called to the fact that there is some activity now going on as to the pushing of this bill.

We can not present to you too strongly the injustice the passage of such a bill would work toward all concerned. We are employers of quite a large number of men ourselves, and are glad to say that amongst those we have more than the average degree of intelligence is evident.

We have found that there are only a few who desire the passage of such a bill and that the great majority of the better class of labor are not in favor of it.

We had a striking proof of this in the fact that several years ago when we voluntarily reduced our time from ten to nine hours, and when we proposed to the men and put it to vote how this time should be proportioned per day, it was practically unanimously voted to work nine and one-half hours a day for five days and take half a day holiday on the sixth. This seems sufficient evidence that the one great plea advanced that eight hours is as long a time as a man physically can or should apply to manual labor is not a fact.

From an economic standpoint of view, the passage of such a bill would be dangerous, as the whole scheme seems to have evolved from a revolutionary spirit amongst, fortunately, a small number of leaders of labor.

We are quite sure, knowing the efficient work you have done in representing your constituents, that you will act on this bill in an absolutely unbiased manner, and as it is undoubtedly a fact that the greatest benefit to the greater community would be effected by the shelving of any such bill, we trust therefore you will recommend such action.

Yours, very truly, WM. KNABE & Co.

NEWARK EMBROIDERING WORKS,
Newark, N. J., May 11, 1906.

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: As I note that the McComas eight-hour bill is to be pressed again for a favorable report by your honorable committee, would kindly ask your consideration of my views upon this question and hope thereby to convince you that it is impolitic to favor such a law.

First of all, I consider it an inherent right of every free-born individual to work for his own benefit, pleasure, or gain as many hours in a day as he may please, and any restriction in this regard would be in contravention to natural and constitutional law.

This matter of time—of work and labor—properly belongs to the party who buys and the party who sells his labor. In my business I have seasons in the year where all the work offered may be done in eight hours per day, or even in less time. But, on the other hand, I have seasons where ten or more hours would not suffice to turn out the work offered.

Myself and multitudes of other manufacturers, under similar circumstances, would be badly handicapped by a compulsory eight-hour law. I would lose much business, my employees would lose extra earnings, and my customers

would suffer through expected profit from sales, and the consumers disappointed in not being able to satisfy their needs or wants.

If all required work can be performed in eight hours, let eight hours be the time, but if more time is needed to do the work offered or needed, why restrict?

You may claim this eight-hour law is intended for Government work only. I fail to see any good reason why the Government should restrict itself. The whole object is a plan of coercive unionism to place the Government, the employing manufacturers, and the general public at a disadvantage.

We and many other manufacturers find our hands willing to work several hours over ten hours per day, when necessary, and are glad to have the extra earnings.

Hoping to have succeeded in convincing you that this eight-hour measure is not needed, and that you may see your way clear not to favor a favorable report thereon.

Very truly, yours,

H. BORNEMANN.

PHILADELPHIA, *May 11, 1906.*

Hon. JOHN J. GARDNER,
House Labor Committee, Washington, D. C.

DEAR SIR: Did you ever stop to consider the effect on the industries of this country, and, indeed, on the workers themselves, that a compulsory eight-hour law might produce? The cost of almost everything manufactured is increasing at a ratio that should well call a halt, and the bill now before your committee may be the last straw.

The subject should receive your most earnest thought before having your approval, and we have confidence to believe that it will receive the consideration it deserves.

Trusting that no hasty action will be taken by your committee, we remain,

Very truly, yours,

A. M. COLLINS MFG. CO.,
HENRY H. COLLINS, *President.*

PHILADELPHIA, *May 11, 1906.*

Hon. JOHN J. GARDNER,
House of Representatives Labor Committee,
Washington, D. C.

DEAR SIR: It is our understanding that the McComas eight-hour bill will go forward at an early date for consideration, and we desire to place ourselves on record to the effect that this bill is undesirable and is a menace to almost every manufacturer of this country.

At the present time there is a feeling of unrest throughout the country, due to the restriction and coercion of unions, and no manufacturer with whom we have talked on the subject is in favor of an eight-hour bill.

We employ union labor without recognizing the labor union, and their wages, considering the class of work which they are called upon to execute, are considerably in excess of the wages received by a great majority of men to-day that have spent their time and money in acquiring a college education, and who are experts in the several lines in which they are engaged. If the offices and clerical departments of this business can work for years for ten and twelve hours a day on work that requires thought, consideration, and brain, we are unable to determine why a man handling a pick, shovel, or chain tongs, for instance, finds it impossible to work longer than eight hours.

The labor unions of this country to-day, run on the same basis as they have been running for several years, represent the most disturbing element in commercial life, and we sincerely trust that you will not lend your aid to the passage of a bill that does not appeal, but rather is objectionable, to the strong, solid men of the United States.

Very truly,

INTERNATIONAL SPRINKLER CO.,
A. M. LEWIS, *General Manager.*

ROCHESTER, N. Y., *May 11, 1906.*

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

SIR: Our attention has been called to the fact that the McComas eight-hour bill is again being brought up for consideration before the House Labor Committee, and we beg to enter our emphatic protest against any consideration of

legislation which will, in effect, create a favored class of employees, to the detriment and hindrance of all established relations between employing classes on the one hand and the laboring classes on the other hand.

It is eminently to be desired that these relations, which are none too satisfactory at the best under present conditions, should not be menaced by the prospect of pending legislation which will still further confuse and mislead these two large and representative classes of American industry.

We therefore urgently request that, so far as lies in your power, you will oppose any effort to further such legislation, and that you will use your influence in your committee against any report of this bill to the House of Representatives.

Very respectfully,

SILL STOVE WORKS.

BALTIMORE, MD., *May 11, 1906.*

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: We understand that the labor lobbyists are working hard for an eight-hour law and various anti-injunction laws, and trust you will use all of your influence to prevent even a favorable report on any such legislation, for only harm can result. It will do the laboring man no good, because of the increased cost of living; it will cost the Government, and hence the whole people, more in the cost of supplies, and lastly, will hamper the development of the manufacturing industry and largely militate against competing for the markets of the world. Union labor, we understand, comprises less than 15 per cent of the laboring community and are in a constant turmoil; the country is getting heartily sick of them, and you can feel sure of having nine-tenths of the population of the country behind you in turning down such class legislation hard and leaving the manufacturers to deal with their help as best suited to their and our needs. In ninety-nine cases out of a hundred they will get all that is coming to them and will be lots better off.

Yours, very truly,

TOWNSEND GRACE COMPANY,
T. S. WAGNER, *Secretary.*

COMMERCIAL ENVELOPE AND BOX COMPANY,
Binghamton, N. Y., May 12, 1906.

Hon. JOHN J. GARDNER,
House Labor Committee, Washington, D. C.

DEAR SIR: The eight-hour labor law has always been an interesting one to me. I have been in the unions myself. I, as a union mechanic, know how they operate and work. I have also been in business long enough to know what the eight-hour labor law will mean on State work or ordinary work. It is the first step toward universal eight hours throughout the United States, which I am unalterably opposed to.

My mind has not been poisoned; it has simply been educated in a business way. The most worthless lot of help we get to do business with are the people who have worked for the Army, for the Navy, and in State work. They are not educated to produce; they are simply whistle men, and their main object is to put in time; I never saw one that was overworked. I never saw anybody that was hurt from overwork, but worry and study sometimes breaks us down. The only reason we have not more large industries is because we haven't got more men, both at the head of the concern and in the ranks, who are willing to endure the hardships necessary to make them. No man would be quite so miserable as one who was compelled to work eight hours, sleep eight hours, and play eight hours and have an inspector over him to see that he done it and punish him if he did not. It would be unconstitutional; it would not be free, industrial America.

Whether it is law or not, that man is not living who can grind a paper machine in the United States eight hours and earn an existence. Machinery is calculated to work ten hours, and it is not practical to operate the machine any faster than the speed it was built to run at, so you will cut the earning capacity right off the plants and you will depreciate the property by doing so.

I know what the business interests say about it, because I was at the convention of the National Association of Manufacturers in Pittsburg, in New Or-

leans six years ago, and in Atlanta a year ago. Copies of their resolutions are on my desk. I have studied this thing from start to finish; I have been through three strikes. You will find the manufacturers to a man opposed to any sort of a movement in this direction, either by our assembly or by the President of the United States; you will find the other business interests back of us. I know what I am talking about, because I have sized it up. With not to exceed 12½ per cent of the laboring population in the unions hoping for this eight-hour law, I can't see what our President is thinking of.

I will say to you emphatically that no man under the sun is under as little obligation to labor unions as is the President and the Republican party throughout the United States. At the last election there were circulars stuck into this factory that I took personally out of the hands of the man distributing them and kicked him out. These circulars were imploring every man who had a vote to vote against the Republican ticket from the President down to the assemblymen. I turned a lot of this stuff over to our chairman. I don't know what disposition he made of them, but I know that these circulars were put in every plant in the United States that labor union could stick them into.

Our President under obligations to the unions for eight hours? If this is so, I should say it would be better if he done three times the thinking he does and half the talking. Certainly our taxes in the State are high enough as they are. When you shorten the hours you increase the salaries for, of course, the fellow has to live; you make his work less and more bills for us to settle, with the poor fellow overworked. If you had watched these State employees hustle as hard as I have, and as long as I have, you would certainly see the ridiculous part of the eight-hour proposition.

I have talked with a good many of our manufacturers. A sort of social democracy seems to be what we are drifting to, and the manufacturers have been handling the eight-hour proposition about six years, and we are not going to stand idly by and see it go on if we can help it. How long do you suppose it would be if the State was to adopt this eight-hour system before they would request me to make the goods I supply the State with with eight-hour labor employees—one set of hands to come on an hour later than the other and go home an hour sooner? I would have a nice lot of dissatisfied people left behind the eight-hour people. I might write about this for a week but I could not say any more than I have said to start with—that I am unalterably opposed to any eight-hour law in this State or any other, and I hope you will see your way to put this bill under the table in place of having it reported.

With best wishes, I am

Yours, very truly,

BENJ. B. MCFADDEN.

LAPORTE, IND., *May 12, 1906.*

Hon. JOHN J. GARDNER,
Member of Congress, Washington, D. C.

DEAR SIR: Understanding that the McComas eight-hour bill is now being pressed for consideration, we write this letter.

It is not our purpose to undertake a discussion of the subject in this communication. We know that arguments pro and con have been laid before you and that the subject is one which is receiving your careful consideration, just as it has received the consideration of every manufacturer, doubtless, in this country.

We, therefore, simply wish to urge upon you the advisability of not permitting any eight-hour bill whatever to be reported. We can not help but think that legislation of this character would in time be discriminatory upon all manufacturers, even though they were not Government contractors.

Manufacturers to-day have many, many things to contend with; "labor" is certainly being handsomely paid; in many, many lines profits are small, and it is most desirable that conditions do not become more burdensome.

Submitting the above for your consideration, we are

Respectfully, yours,

LA PORTE CARRIAGE CO.,
By K. M. ANDREW,
Secretary and Treasurer.

PITTSBURG, PA., *May 12, 1906.*

Hon. JOHN J. GARDNER, *Washington, D. C.*

DEAR SIR: We understand that the McComas eight-hour bill is now being pressed for favorable consideration before the House Committee on Labor, and we wish to protest against this bill, or any other of the same nature.

As we understand the bill in question, it is intended to apply only to those employers of labor who are engaged in Government work, and while we believe that if this law is passed it will be bad enough if it is only for those engaged in Government work, on Government contracts, it would not stop there, but would be the wedge for the compulsory eight-hour law in all cases of employment.

We regard any such laws as revolutionary and dangerous, and as tending to take away from an American citizen his free right of contract. If we believed such a law would tend to the welfare of what we call the laboring classes we would not have anything to say against its passage, but we consider that such legislation is not only against the best interests of the business community, but will work even greater harm to the laborer.

Yours, respectfully,

MONONGAHELA TUBE COMPANY.
HUGH H. DAVIS,
Treasurer and General Manager.

SOUTH BEND, IND., *May 12, 1906.*

Hon. A. L. BRICK, M. C.
Washington, D. C.

DEAR SIR: Once more we must bother you with a matter which we hope will not be considered an imposition. We do not like to interfere in Congressional legislation, but consider it our duty to protest against the passage of the eight-hour bill, which is now before the House Labor Committee. In our opinion the passage of such a bill would be disastrous to manufacturers, and we do not believe it would be good policy to force such a law upon the country in the present condition of public unrest. In our opinion any eight-hour bill is dangerous, and it would be a very grave mistake to allow it to become a law.

We have no personal acquaintance with any of the members of the House Labor Committee, hence will ask your good offices in placing this communication with the proper party.

Yours, truly,

OLIVER CHILLED PLOW WORKS.

SPENCER, MASS., *May 12, 1906.*

Hon. JOHN J. GARDNER,
Washington, D. C.

MY DEAR SIR: I have watched carefully the legislation of Congress, having the Congressional Record, and find it quite interesting to follow the working of Congress on the various subjects.

We are large manufacturers of boots and shoes, and we have been very hopeful that no action would be taken favorable to the eight-hour bill, for it would be a great detriment in the general workings and influence with manufacturing industries. We have the hours shortened in Massachusetts so that hours of labor are certainly very reasonable, I think, and I hope Congress will take no action that will embarrass the industries of our State and nation.

Very respectfully, yours,

ISAAC PROUTY & Co. (Inc.).
By CHARLES N. PROUTY.

DAYTON, OHIO, *May 12, 1906.*

Hon. JOHN J. GARDNER,
Washington, D. C.

HONORABLE SIR: We understand that the McComas eight-hour bill is being pressed somewhat.

We wrote you some time ago, a couple of years ago, probably, in relation to what was called the Gompers national eight-hour bill. We beg to say, in connection with any bill, regardless of its author, in reference to the eight-hour

proposition, that from our point of view bills of this nature should not even be considered.

Ten hours a day is not oppressive to any person able to work, and if you will show us a man who wants to work but eight hours a day we will show you a curiosity. There is no business man who could possibly confine himself to eight or even ten hours a day.

The plea that a man can do as much work in eight hours as in ten is known by all employers of labor to be false in every respect, and it would seem to us that it is also known to be false by those who assert it.

We have been handling men for many years, and our experience has shown us conclusively that only four-fifths as much work, generally speaking, can be done in eight hours as in ten hours, and it would seem that every man who labors understands this thoroughly.

It is well known by employers and employees that the principle of the labor unions is not to work harder that they may produce ten hours' output in eight hours, but, on the contrary, to limit the output per hour, thus making the employer not only lose 20 per cent labor per day, but also to do less work during the other 80 per cent. This is done, from our point of view, under the noble principle of charity. Thereby many idle men would get work, but please note the nobleness, the generosity—the employer foots the bill, the employees lose nothing. This is truly noble and unselfish.

The facts in the case are, there are many lines of business which pay less than 20 per cent profits. If the output is to be reduced 20 per cent this must necessarily mean larger equipment—more investment proportionately.

In our opinion the whole thing is an unblushing fraud, calculated to work disaster and destruction to both capital and labor. It is dangerous in the extreme.

It is therefore our desire that vicious measures of this nature be defeated. The adoption of an eight-hour law would cause inextricable confusion to thousands of manufacturers.

We therefore beg of you to prevent any favorable report from the House committee upon this legislation.

Very truly, yours,

THE CRAWFORD, MCGREGOR & CANBY CO.
W. J. BLAKENEY, *Secretary-Treasurer.*

H. H. FRANKLIN MANUFACTURING CO.,
Syracuse, N. Y., May 12, 1906.

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: We desire to protest against the favorable consideration by your committee of the McComas eight-hour bill. We look upon it as an entering wedge by the labor unions to force all manufacturers to the eight-hour day, a matter with which, we believe, the Government should not interfere. If the Government can properly regulate the hours a man shall work it can also properly regulate the food he shall eat, where he shall purchase it, what price he shall pay for it, etc.

Yours, truly,

LEGAL DEPARTMENT.
GILES H. STILWELL.

BOSTON, MASS., *May 12, 1906.*

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: We wish to enter our protest against favorable action upon any measure providing for an eight-hour work day for Government contractors. The employing and manufacturing interests of this country are already severely hampered by legislation along similar lines, and we do not believe that any eight-hour measure as proposed meets the favor or approval of a majority of the people. The passage of an eight-hour day bill applying to parties doing business with the Government would lead to confusion and difficulties almost too numerous to mention. A manufacturing establishment working

ordinarily ten hours per day and selling goods to the Government would find it a difficult proposition to regulate its affairs so as to comply with the law and at the same time successfully compete with commercial conditions.

The eight-hour measure seems to be favored, so far as we are aware, only by the labor leaders and their followers, who compose but a very small part of the population of the United States.

Trusting that you will do what you can to defeat the passage of any legislation of this sort, we are,

Yours, respectfully,

BOSTON BELTING COMPANY,
By JAMES BENNETT FORSYTH,
General Manager.

NEW YORK, *May 12, 1906.*

Hon. JOHN J. GARDNER,
House Labor Committee, Washington D. C.

DEAR SIR: We take the liberty of writing you to make our strong protest against the passage of any eight-hour bill through Congress. We think that Congress should not interfere with what appears to us to be the inalienable rights of both capital and labor in the matter of contracts for service. The writer would have been glad all through his business life to have been able to limit his hours of labor to eight per day, and if the laboring man nowadays is justified in demanding such a restriction individual employers, professional men, and, indeed, all who work for a living should be entitled to the same relief. Such a condition, however, is absolutely impossible of accomplishment, and if it were to be brought about the whole fabric of business would be honeycombed with trouble.

To be sure, labor unions try to make it appear not only that there is justice in their demand for an eight-hour law, but that the great majority of workingmen demand it, but we think the last claim could not be sustained, and that if the nonunion element was allowed to vote on the question, even omitting the professional class, it would carry the day against the proposition. We in New York City particularly have suffered greatly from labor strikes, with their accompanying boycotts and criminal violations of the law, with resultant immense damage to property, injury to innocent workmen, and many deaths, and we beg of you, our representatives in Congress, not to yield to the clamor of labor unions for an eight-hour law. The public is coming to a better understanding of these great questions, and there is known to be an awakening and revulsion of feeling on the part of intelligent people, who are weary of yellow journalism and muck-rake blatherings.

Yours, very truly,

WILLCOX & GIBBS SEWING MACHINE CO.
D. H. BATES.

P. S.—To-day's New York Times has an account of serious trouble at a large number of funerals yesterday, caused by union men, who will not even let the dead rest in peace. The item is headed thus: "Union drivers stop and stone funerals—Strike prevents 80 out of 100 set for yesterday."

[R. C. Jenkinson & Co., manufacturers of metal goods.]

NEWARK, N. J., *May 12, 1906.*

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: I appeal to you in behalf of the New Jersey manufacturers, members of the National Association of Manufacturers, and including some 3,000 firms, to use your influence in defeating the "eight-hour bill" now before your committee. It is revolutionary and dangerous and will hurt us in the North particularly, as in the South they have now a great advantage over us in that the longer days and milder climate permits them to work longer, and their State laws do not prohibit it. We are burdened with high material and high wages and all the other blessings that come with prosperous times and a fifty-nine-hour-per-week law.

A forty-eight-hour-per-week law on Government work would kill that branch of our business. We personally are now bidding on work for the Government, and we can not compete with the German and French imported goods under an eight-hour law, as even with the duty and freight over the Atlantic the cheaper German and French labor and material prevent our getting our share of the trade of the manufacturers who are our customers here.

I hope you will not report this bill favorably.

Yours, truly, RICHARD C. JENKINSON.

PROVIDENCE, R. I., *May 12, 1906.*

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: We wish to call your attention to the proposed eight-hour bill, which we understand is before the House Labor Committee, of which you have the honor to be a member.

As far as our business is concerned, this would be a most dangerous law to pass. We have a busy and a dull season in each year, both of which periods are about equally divided, and to be compelled to have an eight-hour day would be great hardship to us and to our employees as well.

Our help are all well satisfied, and there is no call for legislation of this character except from leaders of the labor union, and it would be a serious blow to the business interests of this country, and to our branch of business especially, to pass such an act.

Trusting that you will find it to be your duty to conserve the business interests of the people as a whole rather than to legislate at the dictation of a class, said class being a very small majority of the people as a whole, we remin,

Very respectfully, yours,

WAITE-THRESHER COMPANY.
HENRY G. THRESHER,
Treasurer.

MILWAUKEE, WIS., *May 12, 1906.*

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: Please defeat that or any eight-hour bill. It is uncalled for by any existing condition, is dangerous, destructive, and revolutionary, and domineering, and unworthy of any true American spirit.

Yours, very truly,

CHAIN BELT COMPANY,
C. W. LEVALLEY, *President.*

KALAMAZOO, MICH., *May 12, 1906.*

Hon. JOHN J. GARDNER,
Washington, D. C.

DEAR SIR: Our attention is again called to the dangerous McComas eight-hour bill, which is now being pressed by various committees to the honorable House Labor Committee, and while the writer is very much in favor of conservative unionism, and our plant is almost entirely operated by union men, still there are a great many reasons from a manufacturer's standpoint why such a bill as the McComas eight-hour bill should not be passed.

Manufacturers have experiences with labor men that other men not manufacturers do not have, and I am sure that manufacturers do not want to impose upon any labor union or any other body any undue or unfair conditions or requirements, and it does seem if these matters were left alone to the various State courts to care for and take charge of it would be very much better.

The prosperous condition of this country is to-day threatened by the unreasonable and unjust demands of labor unions, not because they are unions, but because of the unreasonableness of those who are at the head of them. There are various unions connected with our own business that are the very best anyone could wish for, and there are others so unreasonable as to make it almost

impossible to get along with them, and manufacturers as a rule do not under any circumstances wish to antagonize unionism, but the methods they employ, and any advantage that you give them, such as these eight-hour bills or the anti-injunction bills imperils the backbone of this country and the very things that these men depend upon for their existence, and without wishing to criticise any member of this committee in any way, we earnestly trust that each and every one of that committee will give this matter the best attention that the occasion demands.

Thanking you in advance for anything you desire to do for the best interests of the manufacturers of this country, we beg to remain,

Yours, very truly,

KALAMAZOO STOVE COMPANY,
WM. THOMPSON,
Vice-President and General Manager.

NEWARK, N. J., *May 12, 1906.*

Hon. JOHN J. GARDNER,
New Jersey.

DEAR SIR: I have come to our notice that the old McComas eight-hour bill has recently been brought before your honorable body, known as the House committee.

We again take the liberty of addressing you, and wish to state that the passing of a favorable report or permitting any eight-hour bill to be reported, especially under the present conditions of public interest, would be a great wrong to the national community.

Trusting you will coincide with us in that the legislation of any such bill would be detrimental to our manufacturing industries, and that the said bill or any other of like character will be set aside by your honorable body, as heretofore, we are.

Yours, truly,

P. RIELLY & SON.

WILKESBARRE, PA., *May 12, 1906.*

Hon. JOHN J. GARDNER, *Washington, D. C.*

DEAR SIR: I wish to urge your committee to report unfavorably any and all eight-hour bills that may come before you, for the reason that such a law would be very injurious to the best interest of our country and the welfare of the working people.

Yours, truly,

B. FRANK MYERS.

BUFFALO, N. Y., *May 12, 1906.*

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: I am very much interested in the McComas eight-hour bill. From my point of view this bill assails American liberty, to say nothing of American prosperity.

This bill would prevent competition from many of the best manufacturers for Government work. Ultimately, if the entire country were compelled to work eight hours whether they chose or not, and continued to be hampered by all the petty exactions that are a part of union domination, the United States could not expect to compete with the nations of the world in export business, which is so necessary to our ultimate prosperity.

You are no doubt well aware of conditions in Australia, where influences such as are pressing this bill are now dominant. It seems to me independence of thought and courage are as necessary to the welfare of the United States in this matter as they were in handling the problems of 1861.

I sincerely hope you will oppose this measure in every possible way.

Yours, truly,

BUFFALO SCALE COMPANY,
F. A. AVERY, *Secretary.*

POUGHKEEPSIE, N. Y., *May 12, 1906.*

Hon. J. G. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: Will you permit us a line in regard to the eight-hour bill, which is now being pressed in Congress?

We object most emphatically to this bill for many reasons—it is class legislation; it interferes with individual freedom, and is not only a menace to business, but, if enacted, would seriously disturb manufacturing industries in all sections of the country.

Coercive unionism is decidedly un-American and aims to be tyrannical to the full limit.

We therefore trust you will not permit an eight-hour bill to be reported out of your committee.

Yours, truly,

ADRIANCE, PLATT & Co.,
W. D. CASBROUCK.

MILWAUKEE, WIS., *May 12, 1906.*

Hon. JOHN J. GARDNER, *Washington, D. C.*

DEAR SIR: During the present session of Congress there will undoubtedly be considerable agitation on the part of supporters of the various eight-hour bills which have been introduced in the House.

In our opinion, it will be very unfortunate if the Labor Committee of the House reports favorably on any of these bills, and we take this occasion to place ourselves on record as strongly opposed to any legislation which will tend to force an eight-hour day into the factories of the country.

We think it unnecessary to call your attention to the many strong arguments which can be made against the so-called "eight-hour bills," for it is certain that any such legislation is extremely dangerous and can have only bad results.

Very truly, yours,

PFISTER & VOGEL LEATHER CO.
A. H. VOGEL, *Second Vice-President.*

PITTSBURG, PA., *May 12, 1906.*

Hon. JOHN J. GARDNER, *Washington, D. C.*

HONORABLE SIR: We beg to call your attention to the McComas eight-hour bill, you being a member of the House Labor Committee, and ask you to oppose the passage of same. We, the manufacturers in this line in and about Pittsburg, Pa., are working nine hours per day in our plants, paying the rate per day established by the trades union here. In former years we did considerable export business, which has almost entirely been absorbed by other markets, owing to the cost of producing with us, and should the McComas bill be passed it would simply mean a further increase in the cost of producing, and would certainly be followed by a further increased rate per day, which occurred when the hours were changed from ten to nine per day. The customary working hours are from 7.30 a. m. to 5 p. m., quitting 3 to 4 p. m. Saturdays, which certainly is not a long or burdensome day. We and others find it very difficult to run our plant with the nine-hour day during ordinary business demands, when it becomes necessary to draw from larger field for trade.

Hoping we will have your assistance, and thanking you in advance for same, we are,

Yours, respectfully,

THE JAMES LAPPAN MFG. CO.
SAML. F. MCGARY, *Secretary.*

MUNCIE, IND., *May 12, 1906.*

Hon. JOHN J. GARDNER, *Washington, D. C.*

DEAR SIR: I notice that the eight-hour bill has now come up before you, and certain parties are urging the passing of this bill, and we earnestly urge that you do all you can to discourage the passing of this bill.

As manufacturers using hundreds of both union and nonunion men, we believe that it would be a great detriment to our country and would take away the rights of manufacturers that have made the country what it is to-day.

We are aware that you are well posted on this subject, but personally ask that you use all the influence you can in killing this McComas eight-hour bill.

Yours, truly,

BALL BROS. GLASS MFG. CO.
E. B. BALL, *Vice-President.*

GREENFIELD, OHIO, *May 12, 1906.*

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: As a member of the House Labor Committee, we desire to write you just briefly concerning a proposed eight-hour bill which, we understand, certain interests are urging your committee to favorably report. We believe upon careful investigation it will become apparent at once that the time is not ripe for an eight-hour working day. In our judgment, the passage of such a law and its enforcement at this time would prove ruinous to the manufacturing industries of this country. Indeed, we believe it would be little short of a crime to enforce an eight-hour working day now, and we wish to place ourselves on record as being unalterably opposed to such legislation.

We believe in progress and in laws which will guarantee full protection to the interests of all. Again, we are favorable always to legislation tending to better general conditions. However, this seems to be largely an effort on the part of trade unions to force an eight-hour day on the manufacturers without regard to either conditions or consequences. Such a thing at this time would prove ruinous, both to the manufacturer and working man. In presuming to express ourselves thus freely, it is not with any thought of dictating or even suggesting the course any member of your committee should pursue. Our only thought is to just place ourselves on record, and it quite naturally follows we feel such a bill should not receive favorable consideration. We therefore hope it may be consistent to oppose a favorable report of any measure now providing for an eight-hour day. The time may come when this will be all right, but it is not now opportune.

Thanking you for the full consideration we feel sure this will receive at your hands, and placing ourselves subject to your commands, we are,

Yours, truly,

THE AMERICAN PAD AND TEXTILE COMPANY.
Per CHAS. MAINS, *Secretary.*

NEW HAVEN, CONN., *May 12, 1906.*

Hon. JOHN J. GARDNER, M. C., *Washington, D. C.*

DEAR SIR: We wish to enter our protest very strongly against what is known as the "McComas eight-hour bill." We are putting in some estimates for Government work, and should withdraw all our prices and give up any idea of doing work for the Government if a bill anything like the McComas bill should pass Congress. We are running our shop ten hours a day, and our men are very willing to work that time, and we should not care to do any work for the Government under any conditions if such a bill was passed. The eight-hour bill we consider revolutionary, and we think we have a right to work our shop on such hours and under such conditions as may be thought best for us and for the men who work for us. We are sick and tired of restrictions and coercions of unionisms and will not stand for any further coercion by legislative means.

Yours, truly,

THE NATIONAL PIPE BENDING COMPANY.
SIMEON J. FOX, *President.*

NEW YORK, *May 12, 1906.*

Hon. JOHN J. GARDNER,
Member House Labor Committee, Washington, D. C.

DEAR SIR: We desire, as employers of shop labor at our Syracuse factory department and road labor throughout the United States, to voice our objection to the McComas eight-hour bill, which we understand will soon be brought to the attention of your honorable committee.

We urge that you use your efforts against the favorable report, or against any permit to be reported, of any eight-hour labor bill. At this particular time unjust union demands, and particularly in view of the present condition of public unrest and manifest difference between labor and capital, we believe such a report to be against the best interests of all concerned. Particularly at the present time do we believe any eight-hour bill to be especially dangerous.

Thanking you in advance for due consideration to our lines, we are,

Yours, very truly,

MANUFACTURERS' AUTOMATIC SPRINKLER COMPANY.
Per A. J. RICHARDS.

MANSFIELD, OHIO, *May 12, 1906.*

Hon. JOHN J. GARDNER, M. C.,
Washington, D. C.

DEAR SIR: We wish to record our most emphatic protest against a favorable report by your committee on the McComas eight-hour bill. The rank and file of the people are against coercive unionism, and any eight-hour bill can not be otherwise than dangerous as well as vicious. These radical labor agitators now in the saddle represent but a small percentage of the laboring people's wants. Public sentiment and the best interests of the people at large are against bills of this class.

We hope that you will not vote to make a favorable report on this bill or any other eight-hour bill.

Yours, truly,

THE OHIO SUSPENDER CO.,
Per D. L. ZAHMIES, *Secretary.*

HOFFMANN & BILLINGS MFG. CO.,
Milwaukee, Wis., May 12, 1906.

Hon. JOHN J. GARDNER,
Washington, D. C.

DEAR SIR: Referring to the McComas eight-hour bill, which is now in consideration at Washington, if consistent with your views, we should very much like to see this bill voted down. It is something that is antagonistic to every manufacturer in the country and would mean a great deal of hardship to all manufacturers if it was passed.

Commending our request to your attention, I am,

Yours, very truly,

J. B. KALVELAGE, *Secretary.*

ROCHESTER, N. Y., *May 12, 1906.*

Hon. JOHN J. GARDNER, M. C.,
Washington, D. C.

DEAR SIR: As there is now before the Congress, and we believe in the hands of the House Labor Committee, the so-called "McComas eight-hour bill," it being pressed by labor agitators and politicians, which is one of the most revolutionary documents that has ever been brought before the National Legislature, we sincerely hope that the same will be unfavorably reported, as we are positive the passing of such a bill will of necessity retard capital from being invested in manufacturing industries, as it will be impossible to compete with foreign production. The price of manufactured articles would have to be advanced so materially that the houses, especially those who buy printing—in which we are particularly interested—would curtail the quantity to such an extent as to cripple and materially reduce the output of our industry and work a double harm to labor by producing a scarcity of work.

It seems to us the manufacturers should be protected against the infamous boycott, picketing, and labor-union practices, which destroy the trade of the manufacturer of the country, instead of being continually harassed by such cheap legislation as the above-mentioned bill. We feel morally certain that if such things continue this country will experience greater panics than it ever has in the past. We sincerely hope and pray that you will use your influence

and best judgment, and that no such calamity will be brought about by what we call infamous legislation.

Thanking you in advance, and again praying you to use your best influence to kill this bill, we remain,

Yours, respectfully,

JOHN P. SMITH PTG. CO.,
JOHN P. SMITH, *President.*

CHICAGO, ILL., *May 12, 1906.*

Hon. JOHN J. GARDNER,
Washington, D. C.

DEAR SIR: We notice that the McComas eight-hour bill is again being pressed forward, and we want to urge on you the necessity of doing everything possible to prevent a favorable report or prevent any report on it whatever.

There is nothing before Congress that, in our opinion, is more dangerous to the continued prosperity of this country than this measure. It is socialistic and revolutionary in its tendency. It will prevent freedom of contract, and will kill all incentive toward promotion and advancement of the individual, and, we think, would do more eventually to injure the prosperity and enterprise in our country than any one measure that has come before your assembly.

We do not believe that there is a single one of our employees who would favor such a measure.

Yours, truly,

COLE MANUFACTURING CO.,
E. C. COLE, *President.*

ATCHISON, KANS., *May 14, 1906.*

Hon. JOHN J. GARDNER,
Member of Congress, Washington, D. C.

DEAR SIR: We trust you will excuse the liberty we take in addressing you, but wish to enter our protest against the favorable report of the House Labor Committee on any of the so-called eight-hour bills which we understand are being presented to your committee for consideration. We feel that legislation along these lines would prove very disastrous to the manufacturing interests of the United States, as it would handicap the operation of our manufacturing plants to such an extent as to materially interfere with the initial or first cost of expense items, such as the operation of machinery and other items that can not be governed by the matter of the number of hours of operation.

It would curtail the product of the different plants and interfere materially with the prosperity of our country by cutting down the volume of business, as well as to cut out to a great extent probably all our export business, to say nothing about its being, as it appears to us, un-American.

We believe that the number of hours of labor, generally speaking, should be left entirely to be determined by and between the employer and the employee, as they might agree upon. While it is possible that there are industries that labor should not be employed in for longer than eight hours at a time, or even shorter shifts might be required, yet those things regulate themselves. It does not seem to us that it would require an act of legislation to govern cases of this kind. We, of course, are speaking from the standpoint of our business.

There isn't anything in our line that is especially hazardous or unhealthful, and it is not a hardship for them to work ten hours per day. We find considerable trouble to get sufficient mechanics to meet our requirements as it is. If our workday should be cut down to eight hours, it would mean that we would require 20 per cent more men to do the same amount of work that we are now doing, and we are employing all of the men that we can get at the present time and believe that throughout the saddlery industry the conditions are about the same in all parts of our country.

Trusting you will excuse us for taking up your time and asking that you kindly consider legislation along the lines mentioned herein from a business, economical, and patriotic standpoint, and hoping that you will consider it your duty to oppose legislation of this kind, we remain,

Very truly, yours,

THE ATCHISON SADDLERY CO.,
By HENRY DIEGEL,
Secretary and Treasurer.

IOWA STATE MANUFACTURERS' ASSOCIATION.
Des Moines, May 14, 1906.

Hon. J. J. GARDNER,
Chairman Committee on Labor, Washington, D. C.

DEAR SIR: Referring to the eight-hour labor bill now pending before your committee, permit me to say that every manufacturer in the State of Iowa will be interested in the result of your findings and the manner in which your committee disposes of this measure. It is needless to say that we are opposed to a statute that will impose a condition such as is asked for in this bill. The embarrassments to manufacturers in this State will be numerous and of a most aggravating character if this measure becomes a law. It appears to our legislative committee that matters of this character should be settled and definite arrangements be made between and among employers and employees rather than to have the matter settled by any enactment of law. As a class our manufacturers are in perfect accord with the laboring man, skilled or unskilled, and as a rule our people are paying good wages to our employees, and we see no first-class reason why any capable, honest laboring man should demand that the opinions of men at the head of dominating labor organizations should be crystalized into laws to the apparent injury of the laboring man himself.

This association represents something like sixty millions of dollars in manufacturing capital, and their protest against the passage of this measure is universal. We trust that your committee will kindly consider the same during your hearing on the measure.

Very truly, yours,

R. O. GREEN, *President.*
A. C. HUTCHINS, *Secretary.*

MOLINE, ILL., *May 14, 1906.*

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: I am informed that the old eight-hour bill is coming up again, and as manufacturers we are keenly interested in the matter.

There is no doubt, of course, that in some occupations eight hours is all that a man ought to work, but to force a cast-iron rule by law on all trades is unwise and absolutely ruinous, in our opinion. The question of hours can be safely left to natural evolution. It is far wiser to leave such matters to gradual adjustment. The influence of the public press and of labor unions and public sentiment generally is fully powerful enough in this country to obtain all that the workmen are reasonably entitled to in the way of shorter hours without legal enactments.

This world is not a kindergarten. If so, why work eight hours, or even six or seven hours? There are many lines of business where a limitation to eight hours would be extremely unwise; for instance, our own. There is no inherent difficulty of an exhausting nature in a machinist's occupation which prevents him from working ten hours, and when business is excellent and rushing we must take advantage of it and work at least ten hours, especially in view of the expensive nature of the equipment in our shops. When times are duller and business less rushing, we work nine hours, sometimes eight, or even seven hours.

During the year 1904 we worked nine hours. There have been some years where we have worked eight hours because business was dull, but when there is plenty of business going it would be foolish not to work ten hours, and our men say the same thing. In fact our men are glad to work overtime and get extra pay.

We also find this condition happens frequently—that is, the factory gets out of balance—one department or one set of machines gets behind. Now, we can not stop the whole factory in order to let those machines catch up. In other words, we must run one department or machine overtime in order to catch up with the rest of the factory.

I am well aware that you say this bill is intended to apply only to Government works, but it is actually the opening wedge, and what is applicable to other factories should be applicable to the Government factories also. The Government has no right to impose unfair conditions on others.

I am sure that the above reasons will appeal to you, and that you will agree with me that this country can be depended upon, by force of public opinion, the press, and the efforts of workmen themselves, to obtain fair and reasonable hours of labor, and that the manufacturers also have their rights to be con-

sidered where a large amount of capital is invested. Labor should not necessarily be limited to eight hours when plenty of work is offered.

I have aimed to put this matter in a fair and reasonable way, and would be glad to hear from you and, if possible, know what view you take of the matter.

Yours, very truly,

WILLIAMS, WHITE & Co.
HARRY AINSWORTH,
Vice-President.

MINNEAPOLIS, *May 14, 1906.*

Hon. JOHN J. GARDNER,
Chairman House Labor Committee, Washington, D. C.

DEAR SIR: We would earnestly urge upon you and your committee to defeat the recommendation of and the passage of the McComas eight-hour bill, or any other eight-hour bill, as being inimical to the manufacturing interests of the country.

The printers of Minneapolis and St. Paul, representing over 90 per cent of the production of book and job printing in the Twin Cities, have been subjected to a strike for an eight-hour day by the Typographical Union for the past seven months; and while our offices are, and have been for some time, fully manned with independent workmen, we are subjected to all kinds of annoyances by the pickets of the said union, together with boycott, until our business is seriously interrupted and our cost of production materially increased. We did not refuse the demands of organized labor until after we had carefully considered every phase of the resulting situation, and when we found that the reduction of hours would mean an increase of 22 per cent in cost of production we were sure we could not stand the loss, and we were equally sure that we could not induce our customers to stand for an increase in prices.

Our country to-day is the greatest industrial nation of the earth, but if the manufacturing and business interests are compelled to stand many more restrictions by and through organized labor industrial America will sink to the level of industrial Great Britain. So-called organized labor, by the formation of unions and through the pernicious activity of its walking delegates, has assumed to determine not only how private business shall be conducted, but also who shall hold public office and how many shall be permitted to engage in any given occupation, and what compensation they shall receive, together with how much they shall produce, without regard to the value or quality of their services.

The United States census of 1900 shows that organized labor in the printing interests of the country represents but 37.7 per cent of all the wage-earners of 16 years and over engaged therein. The 62 per cent represented by unorganized labor have no mouthpiece to go before Congress. They are willing to work, and are satisfied with present conditions, as is evidenced by the vast number of men now working in the open shops throughout the country. And we think it reasonable to suppose that this same percentage will prevail in other industries. If such be the case, then all eight-hour legislation is in favor of the classes and not the masses.

The founders of our country feared a coalition of church and state. Industrial America to-day fears a coalition and domination of state by organized labor.

Trusting that the prayer of our petition will receive your careful consideration and that our appeal be granted, we are,

Very respectfully,

MURPHY-TRAVIS Co.,
H. C. TRAVIS.

NEW YORK, *May 14, 1906.*

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: We have been informed that the McComas eight-hour bill is now being pressed by the labor lobbyists.

We conceded a nine-hour working day to our men, but think that is where it should stand, and earnestly protest against a favorable report being made of this or any other eight-hour bill.

We write you hoping you will use your valuable influence in this direction.

Yours, very truly,

SLOAN & Co.,
F. T. SLOAN,
Treasurer.

PITTSBURGH PRINTING COMPANY,
Pittsburg, Pa., May 14, 1906.

Hon. JOHN J. GARDNER,
House Committee on Labor, Washington, D. C.

DEAR SIR: We understand that organized labor, through its lobbyists, is pressing once more the McComas eight-hour bill. Permit us to pray the members of the Committee on Labor to take a decided stand against any favorable report whatsoever in this matter.

The eight-hour movement has been the cherished pet of unionism for some time, and with it has come the demand for a closed shop. Either demand, whether in the form of a law or not, is revolutionary and dangerous.

In our own line of business the eight-hour question has just been fought out. While the members of the International Typographical Union had the moral and financial support of all organized labor, they were utterly routed in their vicious onslaught. Now that they have lost the opening skirmish (as such the fight of the typographical union was recognized by practically all labor leaders) and the prospects for the success of the eight-hour movement in other lines of trade are indeed very slim, official recognition of their demands on the part of Congress is demanded. The enactment of a law of the McComas type would mean the establishment of the eight-hour working day by force.

We are by no means enemies of unionism whose right of existence we would deny. But the time in its history has come when abuses through the high-handed methods which now prevail have aroused the employers to take a determined stand against the union. When any set of men insist on an eight-hour day against the nine hours of an "open shop," and threaten the latter with a general boycott, the most un-American proceeding possible, and this in spite of the declaration of employers that they can not possibly make their business pay with shorter hours, the policy has a suspicious likeness to the cutting off one's nose to spite one's face.

Why should the manufacturer and business man who has everything at stake be dictated to by his employees as to how many hours should constitute a working day? And why should such dictation come in a more or less hostile manner? It is lack of intelligence and understanding of business and the principles underlying business that are at the bottom of such hostility.

Sooner or later intelligence and comprehension will increase among the laborers, skilled and unskilled, and as this intelligence grows the antagonism will decline. The principle that is fixed in the very constitution of things and which rewards enterprise and intelligence can not be overcome by any sort of trade unionism. The attitude of the employers in the eight-hour movement is not based upon their selfishness or greed for the greatest possible returns, but upon fundamental principles.

And for this reason we once more petition your committee not to report favorably the McComas bill.

Very respectfully, yours, W. J. GOLDER.

PITTSBURG, PA., *May 14, 1906.*

Hon. JOHN J. GARDNER, M. C.,
Chairman House Labor Committee, Washington, D. C.

DEAR SIR: We understand that the old labor measure known as the "McComas eight-hour bill" is again before the present session of Congress, and is now in the hands of your committee for consideration.

We write to enter our most vigorous protest against any legislation by the National Government on the line contemplated by this bill, believing it to be a trespass both on the individual rights of the workingmen and on the rights of the manufacturers, and contrary to the spirit and intention of the Constitution. We fail to see how it can work beneficial results in the direction desired, and, in our opinion, as manufacturers of many years' experience, we believe it would only serve to hamper ourselves and other manufacturers in the transaction of business. We believe that every manufacturer should be free to conduct his own business and arrange such hours as the conditions thereof require and as may be agreed upon between him and his employees.

With the unconscionable demands that are being made by the labor unions, followed by strikes resulting in lawlessness, intimidation, and boycotts, the manufacturers are having about all the burdens they can well take care of in the adjustment of the details of their operations. That the representatives

of the labor unions, representing less than 10 per cent of the laboring men of this country, should act as self-arrogated sponsors for the other 90 per cent and demand that the details of labor for all shall be adjusted according to their arbitrary and impracticable ideas seems an incredible and preposterous proposition.

The manufacturers of the country and the general community as well are becoming very weary of these constant strifes and bickerings, which are not only detrimental to the peace and good order of the community, but a menace to business organization and transaction. We feel that is would be most unwise to aggravate and complicate the present conditions by enacting legislation in line with the provisions of the bill in question, and we most respectfully and earnestly request your cooperation in preventing a favorable report of the measure from your committee.

Yours, truly,

THE MCCONWAY & TORLEY CO.
STEPHEN C. MASON, *Secretary.*

CHICAGO, *May 14, 1906.*

Hon. JOHN J. GARDNER, *Washington, D. C.*

DEAR SIR: We learn with regret that renewed efforts are being made to put forward that revolutionary and un-American eight-hour bill, the bill which we believe to be sure if it passes to stunt American commerce and industry at home and abroad; to stunt American manhood by interfering with the right of free contract; to be a backward step in every respect.

We hope that you have the same view of it, and will with all your ability oppose even a report on the bill. It should be buried for all time, and, in our opinion, he who votes to bury it votes for American honor, manhood, liberty, and good citizenship.

Yours, truly,

BARNHART BROS. & SPINDLER.

INTERNATIONAL ASSOCIATION OF MASTER HOUSE PAINTERS AND DECORATORS OF THE UNITED STATES AND CANADA,
Somerville, Mass, May 14, 1906.

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: On behalf of the above association I desire to enter its protest against a favorable report by your committee on the McComas or any other so-called "eight-hour bill."

Our country is too large and conditions too diverse to make in Washington a law for the government of the laboring classes as a whole without seriously handicapping both the workmen and the employer.

Hoping you will give this matter your serious attention, I remain,

Yours, respectfully,

WILLIAM E. WALL, *Secretary-Treasurer.*

SYRACUSE, N. Y., *May 14, 1906.*

Hon. JOHN J. GARDNER,
House Labor Committee, Washington, D. C.

DEAR SIR: My attention has been called to the McComas eight-hour bill that is before your committee. Allow me to protest against its being favorably reported. My request is prompted by thirty-five years' experience in the malleable iron foundry industry, and I offer the following arguments against this or any eight-hour-day bill:

First. Our industry can not be run on an eight-hour day owing to insufficient time to prepare the molds, melt the iron, and pour off same.

Second. The fixed expenses would be the same for eight hours as for a ten-hour day. This would add 20 per cent to the cost of our product for such expenses.

Third. The present very close competition is such that the enhanced cost, resulting from this shortening of a workday, would close many malleable-iron foundries.

Fourth. The moral effect on the molders would be very disastrous to a majority of the men, for the reason that as a class they are very intemperate in their habits. An enforced idleness means to them more dissipation.

Fifth. It would encourage the already revolutionary exactions of unionism, which is fast tending to anarchism and destroying individual freedom of action under law, which is the foundation of our Republic.

Hoping I have not trespassed too much on your valuable time, I am,

Very respectfully, yours,

SYRACUSE MALLEABLE IRON WORKS,
W. B. BURNS, *President.*

PHILADELPHIA, *May 14, 1906.*

Hon. JOHN J. GARDNER,
House Labor Committee, Washington, D. C.

DEAR SIR: We beg to address you in opposition to bill 11651, commonly known as the "eight-hour bill."

This measure we feel would be most unjust to the industrial life of the country and would eventually work a hardship against labor and capital alike.

The provisions of this measure we take to be dangerous and revolutionary, and we urge you by all means at your command to prevent its favorable consideration.

Very truly, yours, WM. H. GRUNDY & Co.

EVANSVILLE, IND., *May 14, 1906.*

Hon. JOHN J. GARDNER,
Washington, D. C.

DEAR SIR: We respectfully call your attention to the McComas eight-hour bill, which is now being pressed, and respectfully ask you to use your efforts to defeat this measure, as we consider such legislation would be discriminatory in time upon all manufacturers not Government contractors; that same is a part of the plan of coercive unionism to force the eight-hour day into all the factories of the country; that it would be a great wrong, especially in the present condition of public unrest, to force such a thing upon the national community, and that the people, sick and tired of restrictions and unionism, as illustrated in their strikes, intimidations, and boycotts, will not stand for any further coercion or attempted coercion by legislative means.

We believe that any eight-hour bill is revolutionary and dangerous, and would ask you to vote against this measure.

Respectfully, EVANSVILLE FURNITURE CO.

ST. JOSEPH, MICH., *May 14, 1906.*

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: We understand that the House Labor Committee are now considering one of the old-time eight-hour bills.

As a manufacturer, employing in the neighborhood of 400 people, we feel that in fairness to us you will give this letter some consideration, and we hope that you will do what you can to effectively check any eight-hour movement.

Our country as a whole is in the most healthy condition it has ever been in, which is largely due to no other one thing than the manufacturers are all prospering, therefore being able to give steady employment to all laboring men, and the steady growth of the export trade.

Shortening the hours of the laboring men would restrict the output of these factories to a point where they would no longer be able to compete for this foreign trade. The manufacturer's profit is gained entirely through the volume of business that his factory is able to do. If the output of his factory is reduced, it is only a question of time when he would be compelled to make more than a corresponding reduction in the wages that he would be able to pay.

Furthermore, it is very doubtful if there would be any real benefit to the laboring class if the working hours were shortened, as what they would gain in one way they would lose in others, as it is certainly possible for but few of the manufacturers to pay for eight hours of labor what they are able to pay for ten hours of work. If there were an overproduction in any particular number of lines, there, of course, would be an excuse for reducing the hours, if the

workingmen themselves really wanted such, which is most doubtful in our minds, if they understood that the wages would be cut correspondingly.

We would be most pleased to have you give this matter careful consideration before deciding which way you will vote.

Respectfully,

TRUSCOTT BOAT MANUFACTURING COMPANY.

NEW YORK, *May 14, 1906.*

Hon. Mr. GARDNER.

DEAR SIR: The jewelry trade are as one man against the passage of the McComas eight-hour bill.

We think the fact, without any argument, should have weight with you, that so large and intelligent a body of men have arrived at the conclusion that it will work evil.

We hope you will see it as we do, and vote against it.

Yours,

DAY, CLARK & Co.

YORK, PA., *May 14, 1906.*

Hon. JOHN J. GARDNER, M. C., *Washington, D. C.*

DEAR SIR: We understand that there is again an effort being made to report an eight-hour bill to Congress for consideration. We are sure if the members of your committee fully appreciated the detriment that such a law would be to the manufacturing interests of the country you would not report any such bill favorably.

We are not narrow, and do not ask for class legislation in favor of manufacturers, but we have already enough annoyances to keep us busy, and certainly hope that this additional burden will not be forced upon the manufacturing interests of the country. We fully realize that the interest of the manufacurer and of the laborer are largely mutual. Neither one can prosper without the other, and if you realize how much the present prosperity has increased the demand for labor and has raised the price of labor on account of the demand exceeding the supply, you would fully understand that no legislation is required for this purpose.

We believe in well-paid labor. It helps our business. What we need is more efficiency in the ranks of labor, more responsibility on the part of the individual laborer, more faithfulness to duty, so that the laborer's results will be increased and will thus make it possible for the manufacturer to pay the increased wages so that the laborer can meet the increased demands in the advanced cost of living.

We find in our experience that the more idle hours, the more holidays there are, the more difficult it becomes to handle the average working people. The more responsible of them do not appreciate the efforts of the agitator to reduce their hours and to reduce their chances for individual advancement, and we trust, therefore, that you will not allow the agitators who are ever present with you to have too much influence upon your decision. There is more lawlessness, intimidation, and boycotting than the country should have, and until the agitators encourage their men to be law-abiding and to have proper respect for other people's rights as well as their own, we do not see that they are entitled to much consideration.

We hope we have not tired you, but earnestly pray that there may be no eight-hour bill reported to the House for consideration.

Yours, very respectfully,

WEAVER ORGAN AND PIANO CO.

GRAND CROSSING, ILL., *May 14, 1906.*

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: We understand that certain parties are pressing the McComas eight-hour bill, or a bill of like nature, for consideration and a favorable report from your committee.

When so many manufacturers are more or less interested in Government work, and as the adoption of such a bill would practically mean the putting of

the entire manufacturing interest in this country upon the eight-hour day, because no manufacturer could segregate his Government work from the work that is not Government work, we sincerely request and urge upon you the importance of defeating any such so-called "eight-hour legislation."

The manufacturing interests of this country do not want an eight-hour day of any kind forced upon them by law, so please defeat all such measures, and oblige.

Yours, very truly,

GRAND CROSSING TACK COMPANY,
O. N. HUTCHINSON,
Manager and Treasurer.

CINCINNATI, OHIO, *May 14, 1906.*

Hon. JOHN J. GARDNER, *Washington, D. C.*

DEAR SIR: We understand that you are a member of the House Labor Committee who have charge of the McComas eight-hour bill, and we wish to call your attention to the fact that this bill would be a great injustice to all the manufacturers of this country, as it would show that your Government is in favor of and is dictated to by the trade unions.

This is simply a wedge of the labor unions to force the eight-hour day on all the country. It would mean that those manufacturers who work their shops nine hours a day would not be permitted to bid on Government work, and consequently the few factories who secure most of the business from the Government and who would install the eight-hour day would have little or no competition and the Government would be compelled to pay about 50 per cent more for their purchases than it is compelled to pay to-day, as it would mean that such manufacturers as ours would rather pass up the Government work than to install the eight-hour day in their shops.

We do not think it is fair to legislate in favor of the laboring classes against the manufacturers, and the United States Government would be setting a precedent by showing a favoritism for the demands of the labor unions which would be a great hardship to manufacturers all over the country.

It is because the manufacturers of this country have been able to compete with the lower prices of foreign labor that the United States has forged to the front as one of the greatest world powers. If the manufacturers of this country are to be legislated against in favor of an element such as was shown in the last Chicago strike it will not be very long until this country will have the hundreds of thousands of idle labor walking the streets as they are to-day in London.

If the foreign trade is taken away from us by legislating against us it will throw hundreds of thousands of men out of employment in this country, as 33½ per cent of our product and the product of other machinery manufacturers of this country is sold to foreign countries, and if the price of labor is forced up by the lawmakers of the United States it will prevent us from competing with foreign countries and will throw thousands of men out of work.

We can not believe that the lawmakers of the United States will permit themselves to be dictated to by labor lobbyists. The manufacurers have no time to organize and to send lobbyists to Washington, and we depend upon our representatives to protect us, and we hope that you will use your influence to defeat this bill, which is indeed an injustice to the manufacturers of the United States.

With kind regards, we beg to remain,

Yours, very truly,

THE JOHN STEPTOE SHAPER CO.
O. H. BOXTERMAN, *Secretary.*

DETROIT, MICH., *May 14, 1906.*

Hon. JOHN J. GARDNER, *Washington, D. C.*

DEAR SIR: We desire to enlist your help in preventing any favorable report by your committee on the McComas eight-hour bill. It is a shrewd move by the labor unions to establish the hour for the whole country, not for Government contractors alone. We do not see how many manufacturers with diversified interests could undertake to supply Government work should the law be passed.

We do not think it is in the province of the Government to say how long a man shall work, and it would be a grave menace to the business supremacy of

this country. Shorter hours means increased cost, increased cost means business lost, and that would mean even shorter hours and still less pay to the workingman, and they would find that they had been monkeying with the buzz saw.

Yours, very truly,

MICHIGAN BOLT AND NUT WORKS.
E. T. GILBERT, *Treasurer.*

CHICAGO, *May 14, 1906.*

Hon. JOHN J. GARDNER,
House Labor Committee, Washington, D. C.

DEAR SIR: As a manufacturing concern we are opposed to the McComas eight-hour bill before your committee, or any other bill of this nature. We believe that such a coercive act would be a great wrong, not only to the manufacturing interests of the nation, but to the working classes as well. We consider such a bill revolutionary and dangerous, and we believe that the labor leaders are making a great mistake in urging it.

Yours, very truly,

MARSHALL-JACKSON COMPANY.
GEO. E. MARSHALL, *President.*

HAMILTON, OHIO, *May 14, 1906.*

Hon. JOHN J. GARDNER, M. C., *Washington, D. C.*

DEAR SIR: We understand that the McComas eight-hour bill is going to come up for disposition this week. We sincerely hope that this bill will not become a law; if it did, and was enforced, it would put our industry in very bad shape indeed.

Seasons in the vehicle business are very short, running practically only about seven months of the year, the remainder of the time we have to make stock and other preparations for the busy season, but during the time the season is on we have to strain every nerve and make every effort in order to work our factory to its utmost capacity, which could not be done in an eight-hour working day.

We are not opposed to any law that will better the condition of the laboring classes, and are pleased to say that if a vote was taken on this bill in our factory to-day we are satisfied that very few, if any, of our employees would cast a vote in favor of the eight-hour law.

We hope, therefore, that your honor will do his best to prevent the passage of this mischievous bill.

Very, truly yours,

THE COLUMBIA CARRIAGE COMPANY.
Per J. E. WRIGHT.

PEABODY, MASS., *May 15, 1906.*

Hon. JOHN J. GARDNER,
House Labor Committee, Washington, D. C.

DEAR SIR: As one of the manufacturing concerns of this country, we desire to go on record against favorable action by your committee on any eight-hour bill.

You can not help but be fully advised on all sides of the subject, and we trust you fully realize that the proposed bill is only the opening wedge to force all the manufacturers of the country to adopt an eight-hour day. We know that the majority of manufacturers can not exist at present on an eight-hour working-day basis, and we believe that the majority of the American public is not in sympathy with the movement. We ask you, therefore, in the interests of public welfare, to oppose favorable report on any eight-hour bill whatever.

Yours, very truly,

CORWIN MANUFACTURING CO.,
H. S. CORWIN, *President.*

TOLEDO, OHIO, *May 15, 1906.*

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: We have been watching with great interest the efforts of the labor leaders to compel Congress to pass a national eight-hour bill. I presume it is the old McComas eight-hour bill, practically, which is now before the House

Committee on Labor. They have already succeeded in having Congress pass a law compelling the Government to adopt an eight-hour law applicable to all employees of the Government who work by the day, and, not satisfied with this, they now seek to compel every contractor or subcontractor, or every manufacturer who offers to make anything for the Government, to adopt an eight-hour law, or to pay for labor and work their labor only eight hours a day. This bill is demanded by labor leaders, not by the public, and is opposed by all manufacturers, practically, in the United States, and is not favored by anything like a majority of the employees of manufacturing establishments.

Its passage will mean that any manufacturer who offers to do anything, direct or indirect, for the United States Government shall run their factory only eight hours every day. A very small part of our business has been to furnish the Government vehicles and repairs for vehicles, but we would be unable, as would also a great many other manufacturers, to bid on any Government work in case this bill passed, for we can not successfully run our factory eight hours a day, nor could we work men on Government work eight hours while the majority of the men were working ten.

I think the passage of such a bill would be revolutionary and an outrage on a large part of the community engaged in manufacturing. I trust, therefore, that you will not, without first thoroughly investigating the matter, lend your vote toward the passage of such a law, and I believe that if you thoroughly investigate it in all of its effects you will agree with me that it is not wise to pass such a law.

Yours, truly,

THE MILBURN WAGON COMPANY.
F. D. SUYDAM, *President.*

ROCHESTER, N. Y., *May 15, 1906.*

Hon. JOHN J. GARDNER, *Washington, D. C.*

DEAR SIR: Our attention has been drawn to the agitation of the McComas eight-hour bill, and we respectfully beg to request you to give the few ideas outlined in this letter your consideration and indorsement.

It is not always essential for the consummation of the work in hand that a long day's labor be exacted from our employees, but they prefer it; first, because this method enables them to finish up "lots" of work in hand; second, because the payment being equally divided between weekly paid employees and piecework paid ones, the desirability of working as much time as they consistently can results in greater remuneration to them. They are kept employed very often when the volume of business does not warrant such action; this offsets any extra time. On Saturdays, during the entire year, we work but five hours, thus enabling them to have the benefit of the half holiday.

Our relations with trades unions and labor union organizations have always been congenial, but we think that an act of Congress, passed along the lines of the present labor agitation, would result in throttling many of the industries which at present enjoy success, and we believe that such legislation will be pernicious and iniquitous in its effect on manufacturers as well as to the laborers. Such action would be inimical to the best interests of our business, and it would be utterly impossible for us, and we believe for the majority of the manufacturers in general, to continue the present scale of wages under compulsory adoption of such a measure.

The interests and welfare of the manufacturers throughout the United States should command an equal amount of consideration to that of the laboring class, and we trust that you may be able to consistently prevent such a coercive measure from being forced by national legislation into the operation of the factories.

We are, respectfully, yours,

M. B. SHANTZ COMPANY.
Per H. K. ELSTON,
Treasurer and General Manager.

CAMDEN, N. J., *May 15, 1906.*

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: In the matter of the McComas eight-hour bill, which we understand is now being pressed, will you please accept our expressions of opinion, and desire that you will not for anything press a favorable report, or to permit

to be reported, as far as you can, any eight-hour bill whatever. If our freedom is to be anything more than a myth, any eight-hour bill is revolutionary and dangerous. It is a part of a plan of coercive unionism to force the eight-hour day in all the factories of the country, and the manufacturers are sick and tired of the restrictions and coercions of unionism as illustrated by their strikes, lawlessness, intimidations, and boycotts. In the present condition of public unrest it can not be other than a great wrong to enforce an issue of this nature, and you will kindly permit us to hope that these few words in the matter will find an appreciation of their importance in your mind and efforts with respect to doing what you may.

Very truly, yours,

WARREN, WEBSTER & CO.,
THEO. L. WEBSTER, *Secretary.*

JONES & WOODLAND COMPANY,
Newark, N. J. May 15, 1906.

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: Referring to the McComas eight-hour bill, which is now being discussed with your committee, would say that it is impossible for us to find words strong enough to express our disapproval of this bill.

We hope that in giving this bill your consideration you will consider the manufacturing interests of this country and do all in your power to prevent a favorable report on this bill or any eight-hour bill, as we consider it dangerous legislation.

Yours, very truly,

WM. H. JONES, *President.*

NEWARK, N. J., *May 15, 1906.*

Hon. JOHN J. GARDNER, *Washington.*

DEAR SIR: We understand that the McComas eight-hour bill is now being pressed at Washington by the labor lobbyists, and we write to urge you not for anything to press a favorable report or permit to be reported any eight-hour bill whatever.

By so doing you will oblige,

Yours, truly,

SHAFER & DOUGLAS.

MOUNT VERNON, N. Y., *May 15, 1906.*

Hon. JOHN J. GARDNER, *Washington, D. C.*

DEAR SIR: We are opposed to the passage of the McComas eight-hour bill, which is now before your committee. We hope you will do all in your power to oppose the passage of this bill, as it is revolutionary and dangerous, and it would be a great wrong to force the eight-hour day into all the factories of this country. It would cut off nearly all, if not all, our export trade, as it would increase the price and put out of reach of the foreign consumer the goods that are manufactured in this country.

We hope you will do your uttermost to prevent this bill from being passed.

Yours, very truly,

HARTMANN BROS. MFG. CO.,
Per C. M. H.

CHICOPEE FALLS, MASS., *May 15, 1906.*

Hon. JOHN J. GARDNER, *Washington, D. C.*

MY DEAR SIR: As the eight-hour bill now before your committee is, we believe, a menace to the best interests both of employer and employee, we beg of you to use your influence to have the same not reported therefrom.

If it reaches the House it will mean a long bitter fight, and some of the Members, fearing the labor vote, will either "dodge" or vote for the measure, when they know if the bill becomes a law it will work untold injury to the continued prosperity of this country.

The labor leaders, like the walking delegates, often advocate measures that they know will please their followers in order to popularize themselves, realizing full well that this will be a boomerang which they themselves will evade.

We have given this subject much thought and study, and can see but one outcome should the eight-hour bill become a law, and that is eventually great injury to the welfare of the working classes. If they prosper we all share therein, and what is bad for them is bad for the business interests of the nation.

Believing that you will give this your serious consideration, and for the good of the laborer, as well as the good of the nation, you will use your influence to have the bill not reported from your committee.

Very truly, yours,

J. STEVENS ARMS & TOOL CO.,
F. E. MUZZY,
Second Vice-President.

NEW MILFORD, CONN., *May 15, 1906.*

Hon. JOHN J. GARDNER, M. C.,
Chairman, Washington, D. C.

DEAR SIR: We notice that another eight-hour bill is before you, and while we have every confidence that ultimately no such bill, or anything like it, will be allowed to pass both House and Senate, we hope that the committee will not allow it to be even favorably reported, because by permitting anything of the kind it simply gives encouragement so that these bills are from time to time brought forward and the interests of manufacturers interfered with.

The hours of labor, where it is at all practical, are regulated to the entire satisfaction of the men, and to force certain hours of labor per day is not practical in various kinds of business.

Take it for example in our own business: It is necessary, in order to complete our products, that a twenty-four hour run be made, and it is very satisfactory to our men to divide it into two shifts.

It would be utterly impossible to divide it into three shifts and continue business with any profit.

In reducing our ores, which form the foundation for our business, there has to be a continuous run from Monday morning until Sunday morning, and there are other manufacturers in various lines situated in the same way.

Hoping that you will give this request of ours, in common with numerous other requests which you must be receiving along this line, your careful attention, and check it on the start, we are,

Yours, very truly,

THE BRIDGEPORT WOOD FINISHING CO.
By G. M. BREINIG, *President.*

OSGOOD SCALE COMPANY,
BINGHAMTON, N. Y., *May 15, 1906.*

Hon. JOHN J. GARDNER, *Washington, D. C.*

DEAR SIR: We desire to address you as one of the members of the House Labor Committee in regard to the eight-hour bill which is now being pressed forward, and we desire to enter our emphatic protest as one of thousands and thousands of manufacturers in this country.

The reasons why this bill should not be passed or even reported favorably are so many that it is simply impossible for us to give you the entire list as we look at it.

Every manufacturer in this country who has to compete not only with the manufacturers in the home market, but also manufacturers in the foreign markets, should not be placed in a position where they are held up by an eight-hour bill. This means a 20 per cent additional expense on every dollar's worth of goods which has to come in competition with foreign manufacturers. The manufacturers in this country are beginning to feel very keenly the foreign manufacturers in many lines, especially when they are running up against the German, French, and the English manufacturers in the colonies. We do not feel it to-day as we are going to in five years from now, and if the American manufacturer is to hold his supremacy in the foreign field he has got to have every advantage possible. The labor-saving machinery in this country is not going to do it all.

We are living to-day on the high tide of prosperity on the local markets, but the time will be shortly when we will be looking anxiously toward the foreign trade, and we do not consider that the committee, legal or otherwise, has a right to fasten a law on the manufacturers in this country or any single individual as to how long he should work or whom he should work for. We consider that this is a free country and every man can run his shop just as long as he pleases with men who want to work just as long as they please. If we can find men who can work fifteen hours a day that is our privilege, and if they want to work only six hours a day that is still our privilege, but it is for no body of legislators in this country to make a law as to how long people should work.

There are hundreds of other reasons which we could give, but these are two out of many, and we desire that you use every effort possible to kill this law from its inception.

Yours, sincerely,

OSGOOD SCALE COMPANY,
O. J. FOWLER, *Secretary.*

THE UNITED STATES BUNG MANUFACTURING CO.,
Cincinnati, Ohio, May 15, 1906.

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: I notice that the McComas eight-hour bill is again before your committee, and I take the liberty of asking you to please do your very utmost to defeat that bill in the committee, if possible, nor have it favorably reported. My reasons for this are that in a free country like ours, where every man has the right to work as many hours as he pleases and for whom he pleases, no man should be coerced by a small minority of people who have banded together for such purpose to do their bidding. I am positive that if your honorable body will pass such a law that it will lead to lawlessness, boycotts, intimidations, coercion, and that such a bill would be revolutionary and a dangerous precedent. I am sure your patriotism will not allow you to stoop so low as to vote for class legislation and for the abridgment of the present right of contract, which the Supreme Court has decided such a law would be.

Yours, very respectfully,

FRED. PENTLARGE, *President.*

PATERSON, N. J., *May 15, 1906.*

Hon. JOHN J. GARDNER,
House Committee on Labor, Washington, D. C.

DEAR SIR: We note, with extreme apprehension that there is now pending before the House, and at present in the hands of the House Labor Committee, of which you are a member, an eight-hour bill.

It would be superfluous for us to cite the provisions of this iniquitous bill, with which you are unquestionably fully acquainted, but we can not refrain from expressing to you our unalterable conviction that the passage of this measure by Congress could not fail to have the most deplorable results.

It is not our purpose to enter into any lengthy discussion of the reasons for and against such a measure. It is sufficient to point out that an act which limits the usefulness and activities of considerable bodies of men is simply class legislation of the most pernicious description, and as such should have no place on our statute books. Besides, however speciously worded and however limited may seem to be the application of the bill, no sane man can doubt that were such a measure once embodied in our laws an instant effort would be made to extend its operations in all directions, and the first result would be a series of acrimonious disputes which could not fail to have the most unfortunate effects upon American commerce and manufactures.

We are thoroughly familiar with the specious sophisms with which the advocates of the bill seek to disguise its probable ultimate effects, but, in spite of these, we regard it as folly to suppose that such a law as that proposed could fail in time to become practically universal in its application.

The whole thing in a nutshell is this: For the past hundred years—our own experience covers nearly half this period—hours of labor have been steadily decreasing and will, we think—and hope—continue to decrease in response to

purely natural laws. Now, the labor trust, representing a small fraction of the employed labor of the United States, dissatisfied with this normal and healthy progress, has long sought to accelerate it by artificial and dangerous means. Opposed in this by the ablest and broadest-minded manufacturers in the country, they now turn to Washington, and, having at heart the true interests of neither employer nor employed, seek to introduce into the body of our laws, under the mask of benevolence, an absurd and uneconomic piece of legislation.

Under the circumstances, we feel that there is no impropriety in laying before you, as that member of the committee specially charged with the interests of the State of New Jersey, our views of the matter, and to urge you, if you can consistently do so, to oppose the passage of a measure so objectionable.

Permit us to add a word defining our position more clearly, as we do not wish you to misunderstand our attitude or class us with those who, from narrow and interested motives, thoughtlessly oppose all measures of amelioration and wish the world to stand still. We are quite prepared to welcome orderly evolution, but history and reason teach us that the application of revolutionary doctrines and measures to everyday problems seldom has any but the most disastrous issue—and the eight-hour bill we can only regard as revolutionary.

One word more, and we have done. For nearly fifty years we have been employers of labor, and during that period we have never had a strike or a threat of one. We are satisfied with our men, and have no reason to suppose that our men are anything but satisfied with us. If, however, the Government and the labor trust can find no better occupation than disturbing men's minds and fomenting unrest we can hardly anticipate a continuance of these fortunate conditions.

Very respectfully,

JOHN ROYLE & SONS.

MINNEAPOLIS, MINN., *May 16, 1906.*

Hon. JOHN J. GARDNER.
Washington, D. C.

DEAR SIR: We write to urge upon you to use all your influence to defeat any and all anti-injunction bills that may be under consideration at present or that may in the future be advocated by organized labor. All attempts to change the present injunction law are pernicious, un-American, and unfair to the manufacturing and business interests of this the greatest industrial country of the world.

The printing interests of Minneapolis and St. Paul have sustained a strike for the past seven and one-half months, and have been subjected to considerable annoyance and interference in the conduct of their business by the constant picketing of their establishments and employees by the members of the Typographical Union. The pickets have, by promises, threats, and the payment of money, seduced and driven away hundreds of nonunion men who were willing to work and whose services were satisfactory to their employers. Many of these men have quit through fear of bodily violence, some because they could not withstand the constant solicitation and insidious argument of the pickets; said pickets have hounded them at their homes and places of employment, and, through pressure brought to bear upon their wives by the wives of strikers and small shopkeepers, have been deprived of domestic comforts. We have tried to procure a restraining order through the courts without effect, because the judge before whom the case was tried was on the eve of election and feared the labor vote. While we have not had the restraining influence the present injunction law would afford us, we feel that it is a good law, and that it has had a restraining effect on the picketing, for without such a law we feel sure that resort would have been had to bodily violence by the pickets.

Thirty-five printing offices in Minneapolis and twenty-two in St. Paul, representing 90 per cent of the total producing capacity of the two cities, are operating open shops, and our position is concisely as follows:

Prior to October 1, 1905, the Typographical Union demanded an eight-hour day at the same wages then paid for nine, and, in addition thereto, demanded the signing of a contract containing many clauses that meant the absolute surrender of our rights to conduct our business as we saw fit—at least as far as the composing room was concerned. These demands we determined to resist and notified the unions that we would operate our shops on the open-shop basis beginning October 2, 1905. On the morning of that day many of our offices were without men, the union having declared a strike, 261 quitting in St. Paul

and 140 in Minneapolis. Since that time we have filled the places of these striking workmen with nonunion and a few ex-union men, and there has been no time since the beginning of the strike that we were unable to fulfill our obligations to our customers, and had we been relieved of the picketing our quota of men would have been filled in both cities during the first six weeks. That we should be subjected to the constant annoyance of pickets after all this time is all wrong, and if persisted in will lead to the ultimate degradation of the manufacturing interests of this country to the plane now held by Great Britain.

According to the United States Census of 1900, 162,180 persons of 16 years and over were receiving wages in 122,173 book and job and newspaper and publishing establishments in the United States and Territories. The Typographical Union, as per their report of June, 1905, have a total membership of 45,868, and the Pressmen and Feeders' Union have 16,904, a total of 62,772, or 38.7 per cent of the whole number employed. This small percentage are pushing forward and lobbying for the anti-injunction bills now before the House Judiciary Committee.

Is it class legislation? And isn't it a case of the tail wagging the dog?

Thanking you for the time you have taken to read this letter, we are,

Respectfully, yours,

KIMBALL & STORER CO.

JOHNSTOWN, N. Y., *May 16, 1906.*

Hon. JOHN J. GARDNER, *Washington, D. C.*

DEAR SIR: We desire to go on record in your committee as being strongly opposed to any eight-hour legislation, on the ground that it interferes with the rights of the workingman to make his own contract. It makes it impossible for him to succeed beyond his less industrious brother, it reduces all men to the same level, and takes away all incentive for individual effort. A man should be absolutely free to sell his labor as he sees fit and to deliver it in quantity according to his own energy, ability, and inclination, and to receive pay according to the quantity and quality of the work delivered. Any legislation interfering in any way with this right is vicious, harmful, revolutionary, and dangerous.

Yours, very truly, HUTCHENS & POTTER.

TROY, N. Y., *May 16, 1906.*

Hon. JOHN J. GARDNER,

Chairman House Committee on Labor, Washington, D. C.

DEAR SIR: We wish to express our disapproval of House bill 11651. While its provisions apply to Government work only, the enactment of the measure would be detrimental to the interests of many of the industries of the United States.

The proposition is extreme, and should the bill become a law it would not be advantageous to the Government nor to manufacturers or those employed by them.

We sincerely hope the bill will not receive favorable consideration by the committee of which you have the honor to be chairman.

Very respectfully, yours,

CLUETT, PEABODY & CO.

PHILADELPHIA, PA., *May 16, 1906.*

Hon. JOHN J. GARDNER, *Washington, D. C.*

DEAR SIR: We trust you will bear with us in writing you about the McComas eight-hour bill, which is now before you. We know by costly experience whereof we speak when we say that it is a menace to the industries of our country and, therefore, to the welfare of the working people. We might write volumes on the subject, as we have had much to do with it, but appreciate the fact that you are a busy man.

Yours, truly, DAVID LUPTON'S SONS COMPANY.

PERTH AMBOY, N. J., *May 16, 1906.*

Hon. JOHN J. GARDNER, M. C.,
House of Representatives, Washington, D. C.

DEAR SIR: Our attention has been called to the fact that serious consideration is being given by the House Labor Committee to the McComas eight-hour bill, and as we are manufacturers, located in the State of New Jersey, we take the liberty of stating to you the reasons why we think that bill should not become a law.

We believe that such a law would work a serious injury to all classes of labor.

We believe that seven-tenths of all classes of labor are opposed to having their working hours cut to eight hours per day, unless the purchasing power of wages received be the same for eight hours' work as for nine hours.

There is not enough skilled labor in the country at present to meet the demand with a nine-hour working-day.

Nine hours' work per day is not detrimental to health in the ordinary trades. Exceptional cases are already provided for by shorter hours.

An eight-hour day would make necessary a great deal more night turn work, which is bad both for the health of employees and quality of material turned out.

Yours, respectfully,

STANDARD UNDERGROUND CABLE CO.,
W. A. CONNER, *Manufacturer.*

ZANESVILLE, OHIO, *May 17, 1906.*

Hon. JOHN J. GARDNER,
Washington, D. C.

DEAR SIR: Our attention has recently been called to efforts being made by the "labor" element to force upon American manufacturers further restrictions in reducing by legislation the hours of labor.

We look upon the proposed McComas bill as "class legislation," and should it ever become a law it would be a blow to manufacturing interests of this country that would be far-reaching in its effects.

Labor as a whole, throughout the country, is satisfied and contented, and why should it be disturbed? The leaders in this movement do not realize that it will be necessary to readjust prices on products, as well as labor. They (the workingmen) will have to pay the advance in cost of finished products or suffer by a small income.

There are many arguments that can be presented why this bill should not be reported favorably by your committee. We will submit but one.

Ask yourself and associates this question: If an eight-hour day is a good thing, why not do better and make it six or even four—the same argument to hold good?

Trusting you will use your influence for the best interest of the masses and not be led by the firm of Debs, Gompers & Mitchell, we are,

Yours, truly,

THE MOSAIC TILE CO.,
Per LOOMIS.

CINCINNATI, OHIO, *May 17, 1906.*

Hon. JOHN J. GARDNER,
House Labor Committee, Washington, D. C.

DEAR SIR: We desire to enter a most vigorous protest against H. R. 11651, generally known as the "eight-hour bill."

This bill would have a most disastrous effect upon our business. We have just made a contract to supply the Government with 13,000 mattresses. Our mattress department is about one-fourth of our mill. If we had to comply with such a bill, our entire mill would have to shut down two hours every day, and it would increase the cost of our manufacture fully 25 per cent. The result of this would be that we would no longer bid on Government contracts. This would not only be a hardship to us, but a hardship on our employees, who would miss that much opportunity for work.

We believe that such a bill as this would be strongly resented by every employee in our mill. We know their opinions in this matter, and we find them always willing to run full time and anxious on occasions to get a little overtime.

We think that any such interference with the right of our men and ourselves to agree on hours of work is a very unwarranted one and a measure that should not be resorted to unless in case of great necessity. No such necessity exists now, and we trust you will do your best to prevent such pernicious legislation.

Yours, truly,

THE STEARNS & FOSTER CO.,
E. R. STEARNS, *Treasurer.*

PHILADELPHIA, PA., *May 17, 1906.*

Hon. JOHN J. GARDNER,
House Labor Committee, Washington, D. C.

DEAR SIR: During the past few days there have been brought to our attention circumstances indicating a strong effort about to be made by the labor lobbyists to have the McComas eight-hour bill favorably reported by the committee of which you are a member.

We would hereby most earnestly protest against such action upon this or any other eight-hour bill, urging that no attention be accorded these men who stand for an organization which would have enacted a law detrimental to the interests of the public as well as unjust to every manufacturer in the country. Such a law could not, at a time when every community is harassed by the overbearing attitude and actions of many unions, be aught but a great wrong.

So much has been said of the wrongs of the workingman that the tendency is now to swing unreasoningly to that extreme and join the general denunciation of the employer. Who is the beneficiary of the strikes, boycotts, and other devices of coercive unionism to gain its points? Certainly not the public, which should be the first consideration in a matter of this character. Who but a class of men paid far above the rate of wages of workmen of any other country, living under conditions better in every respect than the laboring class of other nationalities enjoys, and who recognized these facts until the spirit of obtaining an undeserved advantage at another's expense, through their unquestionable allied strength, was stirred into life by demagogues, each seeking not the good of his fellows, but his own particular end?

In each case where the method of strike has been resorted to the people have suffered. The example of the agitation by the organized coal miners may be aptly cited. The figure at which coal is sold to the average consumer has never returned to the position it occupied before the strikes. For how long would the public remain quiet did these conditions obtain in every line of manufacturing interests? We think not for many months.

Observe the following: A manufacturer employs a large body of men working, let us say, ten hours a day, always busy; indeed, pressed to the utmost to satisfy the demands of his customers. A law is passed limiting the working time in any factory to eight hours a day. Instantly there is confusion in the establishment, the time reduction of two hours necessitating the engaging of many extra men, the installing of whom and the familiarizing with the surroundings occupying a considerable space of time, injuring the manufacturer seriously with his inconvenienced customers, who are themselves troubled by their inconvenienced patrons.

To meet the additional expense entailed by reason of the increased pay roll the manufacturer is obliged to raise the prices on his products, and his consumers, unable to stand such an advance, must also add to their retailing figures, thus bringing it around to the old point of the public bearing the expense of unionism's disturbances.

Again, the method of taking on an increased force to offset the loss of time might not, in many cases would not, be practicable, as, let us assume, the men employed at present are able to get their work out only by virtue of the length of time they work—that is, ten hours—and the available room would probably not be sufficient to admit more workmen, hence the manufacturer must be permanently hampered and injured unless he can afford to expand.

We would beg you to look at the matter judiciously from both view points, giving no ear to the lobbyists who appear to become more and more active in fighting for favorable legislation upon this their pet bill, embodying as it does

all the most arrogant and presumptuous ideas of the unions. Not so many years ago such a demand would not have been given even consideration, but as the organizations seem to meet with some successes they advance from each one with greater confidence upon the stronghold of another man's rights. The labor lobbyists are looking out for their personal interests, as undoubtedly we all are, but we state the facts of the case and make no misleading assertions with regard thereto.

Trusting you will give this matter the most careful attention, and again requesting that under no consideration you report favorably upon the bill, we beg to remain,

Yours, sincerely,

BERNSTEIN MANUFACTURING CO.,
HENRY L. WOODS.

BOSTON, MASS., *May 17, 1906.*

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: We would urge you as manufacturers to oppose any compulsory eight-hour bill. Manufacturers in this country can not afford in all lines to be forced to work on an eight-hour basis, particularly where their manufactures come in competition with those abroad. We would suggest that you use your influence to defeat any such legislation.

Yours, sincerely,

HUTCHINGS-VOTEY ORGAN CO.,
JOHN H. WATERHOUSE.

UNION DRAWN STEEL COMPANY,
Beaver Falls, Pa., May 17, 1906.

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: We notice the question of the eight-hour bill is being agitated, and noting you are one of the House Labor Committee, we beg to urge you not for anything to press such a bill to a favorable report, or permit it to be reported, as it would surely be a detriment to this country if the eight-hour bill is passed. We sincerely hope it will be agreeable to you to lend your assistance in this matter, as the business affairs of the country were never in better shape than they are to-day, and labor organization has already been a very disturbing factor.

Yours, truly,

F. N. BEEGLE.

BLOOMFIELD, N. J., *May 17, 1906.*

Hon. JOHN J. GARDNER,
Chairman of the House Labor Committee,
House of Representatives, Washington, D. C.

DEAR SIR: We take the liberty of registering our protest against the eight-hour bill now before the House Labor Committee, of which you are chairman.

We will not waste your time or ours by going into the arguments against this measure. Your committee is again hearing both sides of the controversy, and you must be familiar, even to weariness, with the whole subject. The most we care to do is simply to let you know our view of the matter, our view being important to you as a part of that "public opinion" to which the wisest statesmen always give heed.

An eight-hour law applicable to industry in general would be foolish as well as unjust. It would be an attempt to coerce by legislation business arrangements which must, by the very nature of things, be self-regulatory, if business is to have the liberty necessary to self-preservation.

The source from which these attempts spring can not be a guaranty of their safety and sanity. We have no quarrel with organized labor when the ends sought are just to all and the means used are fair to all, but we believe that the present leaders of the labor interests have demonstrated that they are neither just nor wise. We concede probable conscientiousness, but a conscientiousness ill informed and warped by the prejudices of a one-sided view.

We believe that those who are dependent on the arm of labor for carrying out the aims of industry are willing to do what is right by the laboring man. He would be foolish indeed who would paralyze the arm on which he depends. Our country is now prosperous. Both labor and capital are profitably employed. Should the National Legislature be led to pass measures of this kind, it would discover that what seemed to be in the interest of labor was really an injury to both labor and capital. Before the growing menace of socialism capital will become timid, investments will shrink.

"And enterprises of great pith and moment,
With this respect their currents turn awry,
And lose the name of action."

Both labor and capital will suffer. But we will not trespass further on your patience.

Yours, respectfully,

H. B. WIGGIN'S SONS CO.,
J. N. WIGGIN, *President.*

THE MASTER BUILDERS' ASSOCIATION,
Boston, May 17, 1906.

Hon. JOHN J. GARDNER, *Member House Labor Committee.*

DEAR SIR: I beg the privilege of addressing you in regard to the eight-hour bills being sought by certain people calling themselves representatives of labor.

Builders throughout the United States who labor quite as constantly and persistently as anyone are unalterably opposed to mandatory legislation of this character, believing it not only to be contrary to the Constitution and public policy, but also a menace to the rights and best interest of individuals of all classes and relations in the industrial world.

In any industry where a lessened number of hours labor may be sufficient to support the persons dependent upon that industry they will undoubtedly prevail so long as conditions permit, but any attempt to legislate—force a limit upon either public or private enterprise—will react disastrously upon the enterprises themselves, and, more than that, will create a distinct disability in every individual, bringing him eventually to that low level which the processes of trade unionism constantly develop.

Builders ask that legislators keep hands off!

Respectfully,

WM. H. SAYWARD, *Secretary.*

HAVERHILL, MASS., *May 18, 1906.*

Hon. JOHN J. GARDNER, M. C., *Washington, D. C.*

MY DEAR SIR: I trust the House Committee on Labor will not pass to a favorable report the McComas eight-hour bill. It is indeed unfortunate that the labor leaders will not let the country rest in peace even for one moment from agitation of these extreme measures. It seems to be a period of coercion by all methods and more especially by legislation. I know that you have been filled with argument on this matter, and will only take this opportunity to protest against it in common with the great mass of fair-minded business people of the country, on the ground that it is carried to a point which is both dangerous and hurtful.

I remain, dear sir,

Very respectfully, yours,

CHAS. K. FOX.

NEWARK, N. J., *May 18, 1906.*

Hon. JOHN J. GARDNER, *Washington. D. C.*

DEAR SIR: Allow me to write a few words in regard to the McComas eight-hour bill. I run a small factory, employing about twenty-five people. We may run along on short time during four summer months, our business being a "one-season" business, and our people don't feel like working so hard anyway in hot weather, especially when they can make it up by working longer hours during cold weather; besides, like a number of other lines of business, our business is not a great tax on the physical energies, it being more one of practice and skill. Where a man can work ten hours in one business with comfort and ease he may not be able to work more than eight in another.

It seems to me that one great leveling law limiting the production of the ambitious, healthy, and energetic citizen to that of the lazy or sickly citizen must in the long run be hurtful to the community.

If you will look over the "field" I think you will find that the men who are in the front rank and on the upper steps of the ladder to-day are the men who worked overtime.

With excuses for trespassing on your time, I am,

Very respectfully,

JOHN D. DALZELL.

GRAND RAPIDS, MICH., *May 18, 1906.*

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: We notice that the labor unions are trying to revive that old eight-hour bill for all articles sold to the Government. Does this mean that we could not sell any of our refrigerators to the Government if our factory runs more than eight hours per day? If it does, we wish to say that you will be doing the manufacturers of this country a great injustice if you recommend any such bill.

You have as much right to tell us when to go to bed as to say how long we shall work. At some seasons we can not work at all, there being no demand for our goods. At others, we have to work overtime to supply the demand.

We think that upon due reflection it must be evident to you that Government can not regulate a matter of this kind. We therefore most earnestly pray that you will kill this bill in the committee.

Hoping to hear from you on the subject, we remain, most respectfully,

Very truly, yours,

THE GRAND RAPIDS REFRIGERATOR CO.
By C. H. LEONARD, *President.*

DETROIT, MICH., *May 18, 1906.*

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: Noting that you are a member of the House Labor Committee, we desire to enter our protest against the passage of an eight-hour law, as we feel that under the present conditions of radical agitation and unrest it would work serious loss and inconvenience to the large and small manufacturers of the country and would soon place the manufacturers of this glorious country on the same plane of servitude as are the manufacturers of the Australasian States, whose parliaments are controlled by the labor element.

We are in no way antagonized to labor, organized or unorganized, but the strikes, lawlessness, intimidations, and boycotts indulged in by labor unions as such lead us to fear for the future of the business and manufacturing interests of the country should this pernicious eight-hour law be even favorably reported.

We feel that the honorable gentlemen having this bill in hand are working not only for the best interests of their immediate constituents, but for the people of the country at large, and that they fully appreciate the magnitude of the manufacturing interests of our beloved land and have no intention to pass any such legislation.

We also believe that these same honorable gentlemen are at all times pleased to hear from the interests to be affected, and on this supposition we have taken the liberty to address you on the subject.

Trusting and believing that the large interests involved will be fully protected in so far as in your power lies, we remain,

Yours, respectfully,

THE MCRAE & ROBERTS CO.,
W. D. MCRAE,
President and General Manager.

ATLANTA, GA., *May 19, 1906.*

Hon. JOHN J. GARDNER, *Washington, D. C.*

DEAR SIR: We hope we are not too late to add a word against the eight-hour bill before Congress and to emphasize the statement that, in our opinion, any such legislation would prove a serious mistake for all classes.

Yours, truly,

DELOACH MILL M'F'G CO.,
Per A. A. DELOACH, *President.*

SAGINAW, MICH., *May 19, 1906.*

Hon. JOHN J. GARDNER, *Washington, D. C.*

DEAR SIR: It has been brought to the writer's attention, through the National Association of Manufacturers, of which association this company is a member, that there is an eight-hour bill being urged for passage at the present time, and we understand that such a bill as this would be referred to your committee.

It hardly seems necessary for the writer to say anything as to the nature of legislation of this kind. The continued increase in the cost of living is largely brought about by the spirit abroad in the land to work as little as possible, and to actually look to the Government or to the community at large for supper.

In the case of our own manufacturing plant, at the present time it is almost impossible to get young men from the age of 15 to 21 to work at all. They prefer to hang around water tanks and crossings of the railroads, stealing rides from place to place and following the attractive vocation of tramping.

Then there is a tendency to flock to cities where the same class frequent pool rooms, cheap amusement places, and acquire expensive habits and ultimately degenerate into embezzlers, robbers, etc. Witness the car barn robbery in Chicago. So at the present time there is certainly no demand for an eight-hour day which, of course, applying still more to the city than to the country, would tend to bring in a still greater influx from the country, and tend to make conditions even worse than at present. And, moreover, the expense of all of this kind of legislation is borne by the small taxpayer, and the industrious citizen of small means who, at the present, has all he can do to make both ends meet.

In place of limiting a man's opportunities for labor, he should be encouraged to labor and of course enjoy the fruits of his labor. At the present time, in place of enacting socialistic laws, enact laws to secure to the public the natural resources of the country; discontinue granting special privileges to any class; study means of preserving the forests and mineral lands, and not let them come into the hands of a few who will hold possession of them, the same as so many dogs in the manger, to the expense of coming generations.

Apologizing for this long letter, which is written from a sense of duty as an American citizen, and calling upon you to use your efforts to enact statesmanlike laws, broad and just in their nature, I remain.

Very truly, yours,

WM. B. MERSHON & CO.
Per ED. C. MERSHON, *President.*

ELMIRA, N. Y., *May 21, 1906.*

Hon. JOHN J. GARDNER, *Washington, D. C.*

DEAR SIR: Any eight-hour bill would prove disastrous to all manufacturing interests and labor also, if they could but see it.

We urge you to use your strongest influence against it, and oblige,

Yours, very truly,

ELMIRA KNITTING MILLS and
CONEWAWAH SPINNING CO.,
CASPER G. DECKER, *President.*

BUFFALO, N. Y., *May 21, 1906.*

Hon. JOHN J. GARDNER,
House Labor Committee, Washington, D. C.

DEAR SIR: I understand that the McComas eight-hour bill is now before the House Labor Committee. My own convictions are so strong that I can not help thinking that everyone, both employer and employee, should be opposed to this bill. It seems to me that this movement is a positive injury to all.

First. It is revolutionary; if enforced it will disrupt present business methods.

Second. It is made in the supposed interest of Government employees, and is therefore special class legislation.

Third. If the bill is passed making an eight-hour day it will be compulsory upon Government work and not compulsory on other work, and it will make it impossible for any manufacturer who runs his plant more than eight hours per day to bid upon Government work, as he could not run part of his plant eight hours and the balance longer.

There are many other reasons which might be mentioned, but the above will be ample to show you that the passing of an eight-hour law would be extremely embarrassing to employers of labor. The employers of labor now have as heavy a load as they can very well bear in their endeavor to continue to do business and meet the demands that labor is constantly making upon them. It would be unwise and unjust for our legislators to do anything at this time to increase the load they are now carrying.

I sincerely hope that you and the other members of your committee will vote unanimously against the eight-hour legislation that may be presented to you at this time.

Sincerely, yours,

H. G. TROUT.

NEW YORK, *May 22, 1906.*

HON. JOHN J. GARDNER, *Washington, D. C.*

DEAR SIR: In reference to the McComas eight-hour bill now before the committee for consideration, I wish to state in behalf of our concern, as well as the trade with which we are connected, that a national law limiting the hours of work is entirely uncalled for.

We feel sure that the majority of the citizens of the United States do not desire any such a bill to pass, and that it is a pernicious measure, fostered and indorsed solely by labor unions and their agitators.

Will you, as our New Jersey Representative on this committee, endeavor to bring about an adverse report on the McComas bill?

Yours, very respectfully,

ALLING & CO.,
MATTHIAS STRATTON, *President.*

THE WILLIAM CRAMP & SONS SHIP AND ENGINE BUILDING CO.,
Philadelphia, May 22, 1906.

Hon. J. J. GARDNER,
Chairman House Committee on Labor, Washington, D. C.

DEAR SIR: My attention has been called to House bill 11651, which has been referred to your committee, the same having reference to certain hours of labor. Similar bills have been before Congress on several occasions, and our company has presented its reasons for opposing the passage of bills of this character.

I now wish in the most formal manner to renew our objection to the passage of this bill, and sincerely trust that it will not be reported favorably.

Very truly, yours,

HENRY S. GROVE, *President.*

GREENFIELD, OHIO, *May 22, 1906.*

Hon. JOHN J. GARDNER,
Member House Labor Committee, Washington, D. C.

DEAR SIR: I am the owner of nearly all of the $1,250,000 capital stock of the American Pad and Textile Company, of this place, manufacturers of all kinds of pads for horses, principally collar pads. Said company produces fully 80 per cent of the kind of pads stated that are used in the United States, Canada, and a few foreign countries—the bulk of the goods, perhaps 70 per cent of said 80 per cent, being used right here in the States.

I am sole owner of American Textile Company, a cotton mill located right close to Cartersville, Ga., said business having an investment of a little over $1,000,000.

I am the principal owner of Crescent Manufacturing Company, Louisville, Ky., $100,000 invested, a business devoted to the manufacture of lines in woods and metals.

It would work great hardships on all of said businesses if an eight-hour bill were passed, therefore I write this as a protest. It seems to me that it would be a very unwise move on the part of the Congress to pass such a law at this particular time. It would undoubtedly result in largely paralyzing the manufacturing industries of the United States, and it would work hardships of a serious nature. In this day of keen competition between the United States and certain foreign countries it would seem little short of a deliberate play into the hands of foreign manufacturers if the Congress were to enact said law. It would be revolutionary, dangerous, and disastrous in the extreme, and I don't believe, outside of a comparatively few labor leaders who are unwisely misleading their followers, that the workingmen of the United States want any such law enacted, and it is reasonably sure that the business interests are an unalterable unit against it.

Yours, truly, E. L. McCLAIN.

SAN ANTONIO, TEX., *May 23, 1906.*

Hon. JOHN J. GARDNER, M. C., *Washington, D. C.*

DEAR SIR: We desire to protest in the strongest manner against the eight-hour bill which is now before your committee. We will not go into any long argument on this matter, but desire simply to say that, in our opinion, no manufacturing industry can be successfully operated running only eight hours per day, and no man who works only eight hours per day ever made a success of his work.

Trusting that the bill will not be reported, we are,

Very truly, yours,

SAN ANTONIO PRINTING CO.
By L. B. CLEGG.

NEW YORK, *May 24, 1906.*

Hon. JOHN J. GARDNER, *Washington, D. C.*

DEAR SIR: We, as manufacturing jewelers of Newark, N. J., will respectfully ask you, as one of the House Labor Committee, to vote against any legislation in regard to the proposed eight-hour bill. Such a law would be a serious matter in our business, and we would urge you to use what influence you can against reporting favorably on such a bill. Kindly give this your careful attention.

Very respectfully, KENT & WOODLAND.

CAMDEN, N. J., *May 24, 1906.*

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

ESTEEMED FRIEND: We trespass on your valuable time in reference to the bill introduced by you "limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or any Territory or District of Columbia, therefore securing better products, and for other purposes."

Without going into detail as to the many objections of this bill, we wish to express our earnest protest against it being reported favorably to the House. We think the whole influence would be detrimental to the best interests of the country and would work much hardships to many manufacturers as well as to the laborers themselves.

Therefore, without dwelling further upon the matter, we earnestly wish to reiterate our protest against any such bill being enacted into a law.

We are aware you have given much time to this, but, with due deference to your opinion, we think you are in error in your views upon the subject.

Very respectfully,

THE ESTERBROOK STEEL PEN MFG. CO.
ALEX. C. WOOD, *Treasurer.*

EAST NEWARK, N. J., *May 25, 1906.*

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: It is the hope and prayer of the writer that no compulsory eight-hour bill will be reported. It would work vast injury to our industries and prove disadvantageous to the workmen. The latter to a large extent are not favorable to the bill. A few leaders are trying to fight the bill through your committee. They write to the subordinate unions to indorse the bill, but it is well known to those posted that only a small proportion of the members attend and generally least capable workmen run the unions. They indorse everything the leaders dictate. Seven-tenths at least of the men belonging to the unions are members under more or less compulsion. Should an un-American law be enacted at the demand of a few agitators, when it is well known that such a law would prove of incalculable injury to the business and labor interests of the country? It is reasonably to be believed that our Representatives, especially those on your honorable committee, will not wish to encumber our statute books with such an unrighteous law.

Respectfully, yours,

STEWART HARTSHORN CO.,
E. F. HARTSHORN, *Vice-President.*

CARTERSVILLE, GA., *May 25, 1906.*

Hon. JOHN J. GARDNER,
Member House Labor Committee, Washington, D. C.

DEAR SIR: We are operating the American Textile Company, a cotton mill located right near Cartersville, Ga., said business having an investment of a little over $1,000,000.

It would work great hardships on this business if an eight-hour bill were passed. Therefore we write this as a protest. It seems to us that it would be a very unwise move on the part of the Congress to pass such a law at this particular time. It would undoubtedly result in largely paralyzing the manufacturing industries of the United States, and it would work serious hardships. In this day of keen competition between the United States and certain foreign countries it would seem little short of a deliberate play into the hands of foreign manufacturers if the Congress were to enact said law. It would be revolutionary, dangerous, and disastrous in the extreme, and we don't believe, outside of a comparatively few labor leaders who are unwisely misleading their followers, that the workingmen of the United States want any such law enacted, and it is reasonably sure that the business interests are an unalterable unit against it.

Yours, truly,

AMERICAN TEXTILE CO.,
Per W. M. MCCAFFERTY, *Manager.*

PEORIA, ILL., *May 25, 1906.*

Hon. JOHN J. GARDNER,
Washington, D. C.

DEAR SIR: We take this opportunity of expressing ourselves in no uncertain terms against the present eight-hour bill which is pending before your committee.

We most earnestly request that you do not press to a favorable report or permit to be reported any eight-hour bill whatever. We believe that this is only a wedge used by the union labor leaders to eventually force all employers of labor to work their men only eight hours a day. If the Government establishes that rule by law, they will then use this as an argument to make all other employers to use the same rule.

Such a law destroys the freedom of a laborer to sell his labor on such terms as he sees fit and prevents the employer from employing to the best advantage—a blow at the freedom of trade.

It is our desire that you use every reasonable and just means to defeat a favorable report of this eight-hour bill, and we believe that this is the sentiment of all the employers in this city of 80,000.

Yours, respectfully,

PEORIA PACKING CO.,
R. C. LOWES.

BRIDGETON, N. J., *May 25, 1906.*

Hon. JOHN J. GARDNER, *Washington, D. C.*

DEAR SIR: We wish herewith to urge you not for anything to allow any eight-hour bill in its present form or any amended form to be reported favorably to the House.

We believe that you have already received many similar letters from manufacturers with similar requests. We, however, take the liberty herewith of inclosing a page (No. 8) from American Industries with thirty-three reasons why this should not be favorably reported.

We believe you can not help but see that many of these reasons are good ones.

Thanking you in advance for your kind consideration in this matter, we are,

Yours, truly,

FERRACUTE MACHINE CO.,
Per E. PAULLIN, *Secretary.*

Thirty-three reasons why the Gompers-McComas-Gardner eight-hour bill does not deserve to be reported favorably by the labor committee of the House, because:

1. It is absolutely necessary that every manufacturer be allowed a free hand in the conduct of his business, establishing hours of labor according to his requirements and the general conditions existing in each locality.

2. The majority, if not all, of the manufacturers who undertake Government contracts also manufacture for the open market and operate their plants more than eight hours per day, and have to do so under the laws of competition.

3. Contracts on a limited-hour basis could not be handled in conjunction with contracts on an unlimited basis, and consequently Government work would be prohibited in factories where the eight-hour day was made compulsory by act of Congress.

4. It is quite customary to introduce penalty clauses on Government contracts, and if the proposed law were passed it would not permit of a contractor working overtime in order to make deliveries within the contract time, a great wrong, as such delays would have arisen from conditions entirely beyond his control.

5. The refusal of contractors to undertake Government work on account of the limited-hour basis would result in an increased cost of supplies to the Government and in causing serious inconvenience owing to inability to secure articles required for the successful operation of the various Departments.

6. In the present prosperous and crowded condition of manufacturing establishments it is extremely difficult to secure sufficient competent men to run one shift of ten hours, which condition would make it almost impossible to secure a proper force to run two shifts of eight hours each.

7. If possible to obtain a sufficient force to run two shifts of eight hours each, under normal conditions of business, the volume would not be sufficient to require two shifts constantly, therefore the second shift of men would have to be discharged as soon as the Government contract was completed, which would cause great hardship to any men who might have moved their families to a certain vicinity in order to secure positions.

8. The necessity for dropping the second shift on the completion of a Government contract would have such an effect upon the men that, had it been possible to secure a sufficient number of men on one occasion to run two shifts, the probability of securing a sufficient number a second time would be remote.

9. The expenses of getting two shifts into working order would be such as to cause a loss of the profit on the contract.

10. Workmen are quite willing to work overtime occasionally, that they may help their employer build up a business which will insure to them a permanent position, but they would be prevented from so doing by the proposed law.

11. Under a law as proposed a man who worked only one hour on Government work would be restricted from working in excess of eight hours for that entire day, even though engaged upon private work.

12. In most establishments it would be impossible to divide and separate Government contracts from general work while in process.

13. In completing a contract it is usually necessary to make purchases of some materials or finished articles (used in filling such Government contract) from other manufacturers, and it would be impossible for the contractor to secure such goods if subcontractors were placed under penalty of producing these

goods on an eight-hour day; and such goods might be for one item only and of trifling value.

14. It would restrict the working hours of an individual to eight per day, whether that work should be for one or more contractors or for the workman himself, and any contractor on Government work employing such a man is liable to a fine for each employee who had worked in excess of eight hours.

15. The passage of the proposed law would be an unwarranted trespass upon the individual rights of both manufacturer and artisans, and the limiting of hours of service in private establishments is not within the jurisdiction of the Federal Government.

16. The bill as proposed exempts railroads and transportation companies, and is therefore class legislation.

17. The law would limit the earning power of the workman.

18. Such a law as proposed is not constitutional.

19. It would involve the impossibility of producing all products in a day of eight hours, it now being impossible to produce some products in a day of ten hours. As an illustration, a mold could not be finished in eight hours, and it would not be possible to secure a man to work one or two hours a day only to complete that mold.

20. A contractor might be compelled to suffer on a complaint which might be unfounded.

21. The bill would require an executive officer of the Government to exercise judicial functions.

22. A law such as is proposed would be made use of to blackmail contractors; and there are several thousand of them, and they have a right to live.

23. Under the proposed law the contractor would be deprived of property without due process of law in cases where the Government sustains no damages or delay.

24. If the Government may legislate and enforce the number of hours in the factories of the country, it may also require that workmen of a certain standard shall be employed upon its work, whether directly or under contract.

25. Ownership of material manufactured by a private corporation for the Government does not pass until completion and acceptance by the Government.

26. After the contract is awarded for the delivery of goods, the matter of supply, labor, etc., is one in which the Government has no right of control.

27. The bill would not permit of a forty-eight or fifty-four hour week, but would limit every contractor and, finally, every manufacturer, to an eight-hour day.

28. It would be impossible for concerns which might elect to operate on an eight-hour day to compete on private work with establishments which were operating on a nine or ten hour day and doing no Government work.

29. The law is proposed by organized labor, which represents only a small proportion (about 8 per cent) of the workingmen.

30. All the arguments of "labor" are directed to reasons why an eight-hour law is best for the workingman. They are silent upon the points of its impracticability of application to the business of private contractors.

31. The goods contracted for may or may not be made after the contract is awarded; hence there could be no certainty as to where it would or would not apply.

32. Were it possible to keep Government work separate, and so to allow workmen on such contracts to cease work at the end of eight hours, while those engaged upon work for the open market continued for a longer period, a spirit of discontent would at once arise, creating a thorough demoralization of the working forces, with disastrous results to all, the men included.

33. The enormous volume of export trade which has been secured by the absolute freedom of manufacturers as to working hours and systems of manufacture would be greatly curtailed, if not entirely lost, should an eight-hour day become the regulation working day throughout the country, which the passage of such a bill would have a tendency to bring about and is intended to bring about.

PEORIA, ILL., *May 26, 1906.*

Hon. JOHN J. GARDNER,
Representative in Congress.

DEAR SIR: We must express ourselves very strongly against the eight-hour bill now pending before your committee.

We earnestly request that you do not press to a favorable report or permit to be reported any eight-hour bill whatever.

The union labor leaders are endeavoring to establish a precedent in this matter, so that in future they may use it as an argument that no one shall work over eight hours in a day.

We believe that the people of these United States are still free and should remain so, and if some one desires to labor nine or ten hours, who shall say him nay? Such a law absolutely destroys the freedom of the citizen, and we hardly think it constitutional.

We ask you to make every effort to defeat a favorable report of this eight-hour bill, and sincerely believe you will be doing justice to all the employers of labor in our city of 80,000 people.

Respectfully, yours,

PLANCK BROS.
A. B. PLANCK.

PEORIA, ILL., *May 28, 1906.*

Hon. JOHN J. GARDNER,
Representative in Congress, Washington, D. C.

DEAR SIR: We take this opportunity of expressing ourselves in no uncertain terms against the present eight-hour bill which is pending before your committee.

We most earnestly request that you do not press to a favorable report or permit to be reported any eight-hour bill whatever. We believe that this is only a wedge used by the union labor leaders to eventually force all employers of labor to work their men only eight hours a day. If the Government establishes that rule by law, they will then use this as an argument to make all other employers to use the same rule.

Such a law destroys the freedom of a laborer to sell his labor on such terms as he sees fit and prevents the employer from employing to the best advantage—a blow at the freedom of trade.

It is our desire that you use every reasonable and just means to defeat a favorable report of this eight-hour bill, and we believe that this is the sentiment of all the employers of labor in this city of 80,000.

Yours, very respectfully,

J. W. FRANKS & SONS.
Per GERALD B. FRANKS,
President.

THE MANUFACTURING JEWELERS' ASSOCIATION,
Newark, N. J., May 28, 1906.

Hon. JOHN J. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: At a meeting of the board of managers of the Manufacturing Jewelers' Association, of Newark, N. J., to consider the proposed eight-hour bill, the inclosed resolutions were unanimously adopted, and, as instructed, I herewith hand them to you. Our association will greatly appreciate your cooperation in saving us from any such unwise legislation. Never in our history has labor been so well paid nor have the conditions of labor been so favorable. The best results will come from allowing these economic questions to work themselves out. Legislation, in our judgment, can only create confusion and work hardship and injustice to many interests.

Very respectfully,

GEO. R. HOWE, *President.*

THE MANUFACTURING JEWELERS' ASSOCIATION,
Newark, N. J., May 28, 1906.

Whereas persistent and renewed effort is being made by the labor unions of the country, through a lobby maintained for years at the national capital, to pass a bill "that no laborers or mechanics" employed on a Government contract or on a subcontract "shall be permitted or required to work more than eight hours in any one calendar day," and "each and every such contract shall stipulate a penalty for each violation," etc.; and

Whereas the members of the Manufacturing Jewelers' Association, of Newark, N. J., are unalterably opposed to such a law or any legislation that interferes with the existing prosperity of the country, on which alone they, as manufacturers of luxuries depend: Therefore, be it

Resolved, First, that we enter our most earnest protest against this eight-hour bill now before the Committee on Labor of the House of Representatives; second, that we most respectfully petition Hon. John J. Gardner, the Representative of our State, on said committee, to use his influence and best endeavors to oppose any such bill; third, that we desire to go on record as opposing class legislation of any kind that would give special advantages to a limited class in our country at the expense of and to the detriment of their fellow-citizens, all of whom are guaranteed equal rights and privileges under our form of government; be it further

Resolved, That a copy of these resolutions, signed by the president and attested by the secretary of this association, be forwarded to Hon. John J. Gardner.

GEO. R. HOWE, *President*.
HARRY DURAND, *Secretary*.

NEWARK, N. J., *May 29, 1906*.

Hon. JOHN J. GARDNER, M. C., *Washington, D. C.*

DEAR SIR: We understand that the McComas eight-hour bill is to be presented before the House for action at an early date.

And from our views of the subject, we think any such action will be detrimental to the interest of the employee as well as the employer, also the general public, as in our class of goods it increases the cost of production to the public and lessens the earning power of the employee, which is largely piecework.

As any eight-hour bill will be dangerous for either interest, we ask you to use every influence you can against such favorable report or permit any eight-hour bill whatsoever.

Yours, very truly,

BATTIN & CO.,
V. W. BRUNDAGE, *Treasurer*.

PENSACOLA, FLA., *May 16, 1906*.

Whereas, in view of the fact that the National Association of Manufacturers of the United States of America, through its officers, D. M. Parry, president; F. H. Stillman, treasurer, and Marshall Cushing, secretary, are praying through confidential letters to commercial bodies and business men throughout the country to use undue influence against the eight-hour bill now before the House Labor Committee: Be it

Resolved, By the labor organizations of Pensacola, Fla., and surrounding district, assembled on this date, that our Representative, Hon Frank Clark, be respectfully requested in the interest of good law and order, good patriotism, good public policy, and for the benefit of the laboring class in general, to use his influence and vote in favor of any eight-hour bill that may come up; also to use every available influence with the House Labor Committee to make a favorable report on the same; be it further

Resolved, That a copy of the confidential letters be attached to these resolutions for your more explicit information.

THOS. JOHNSON,
JOHN O'BRIEN,
DAN. MURPHY,
FRANK J. RIEN,
JOS. M. JOHNSON,
SAM. B. FLYNN,
J. B. WILTERS,
W. E. ROWLAND,
W. M. LOUNSBERRY,
W. A. WATTS.

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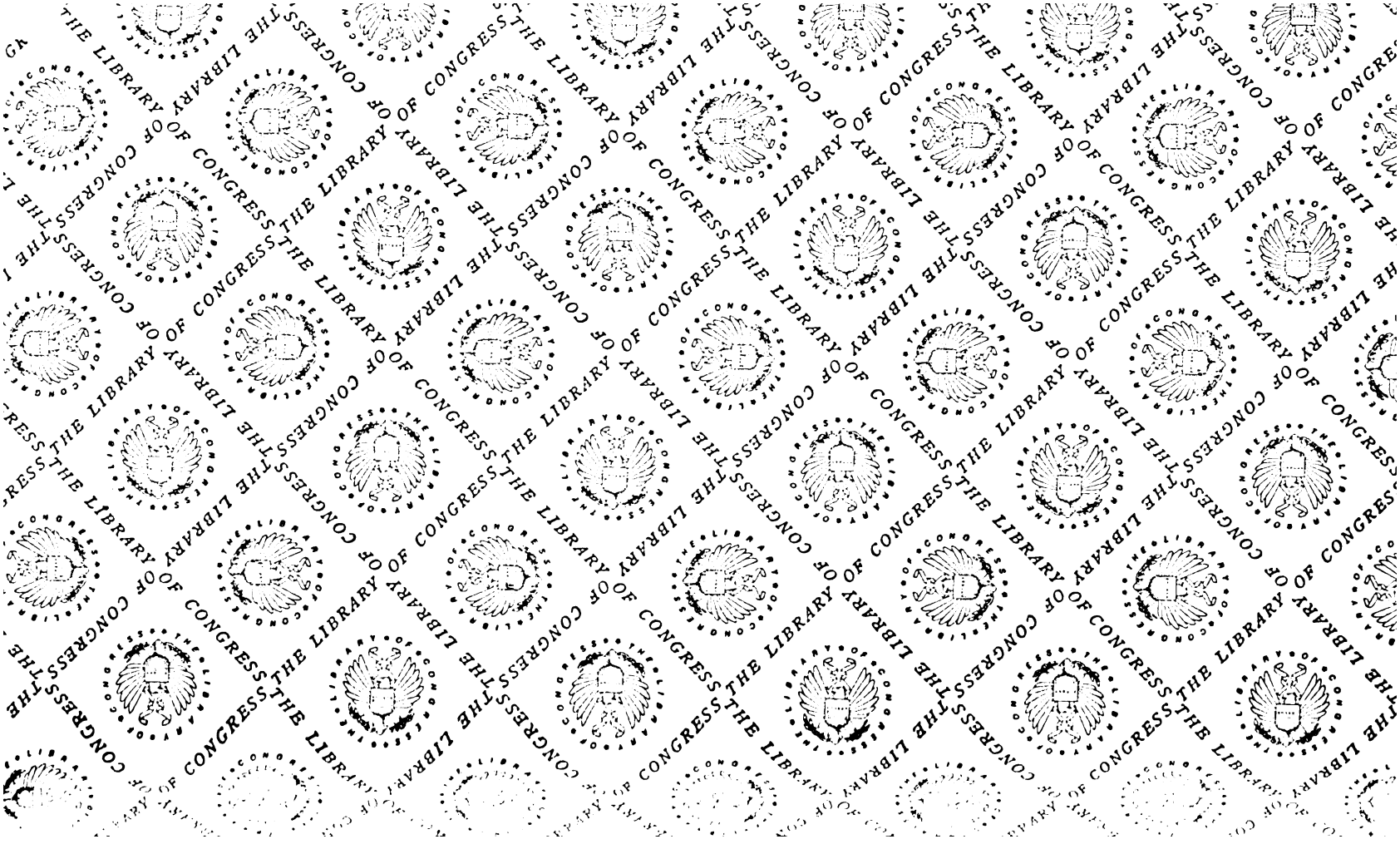
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